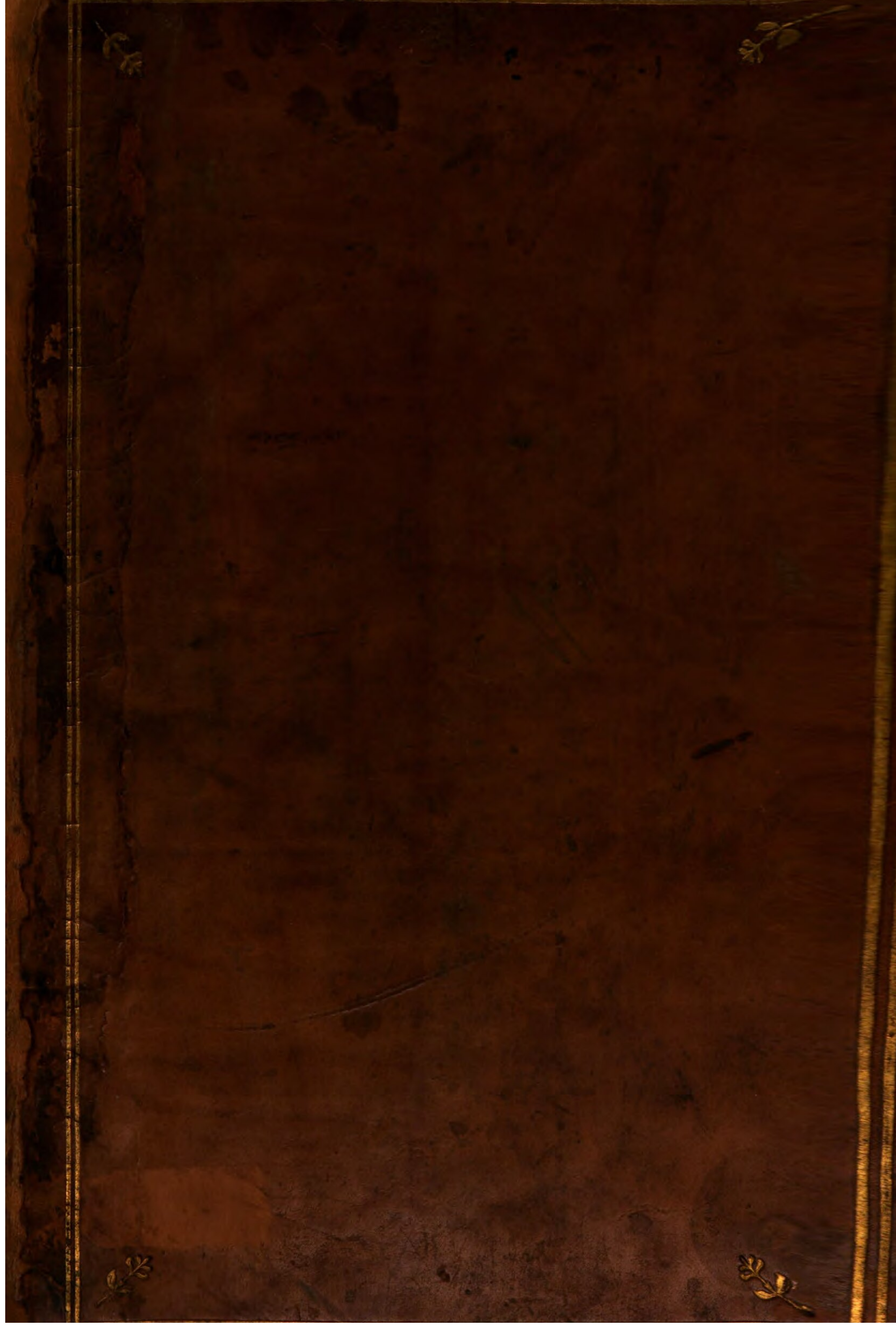
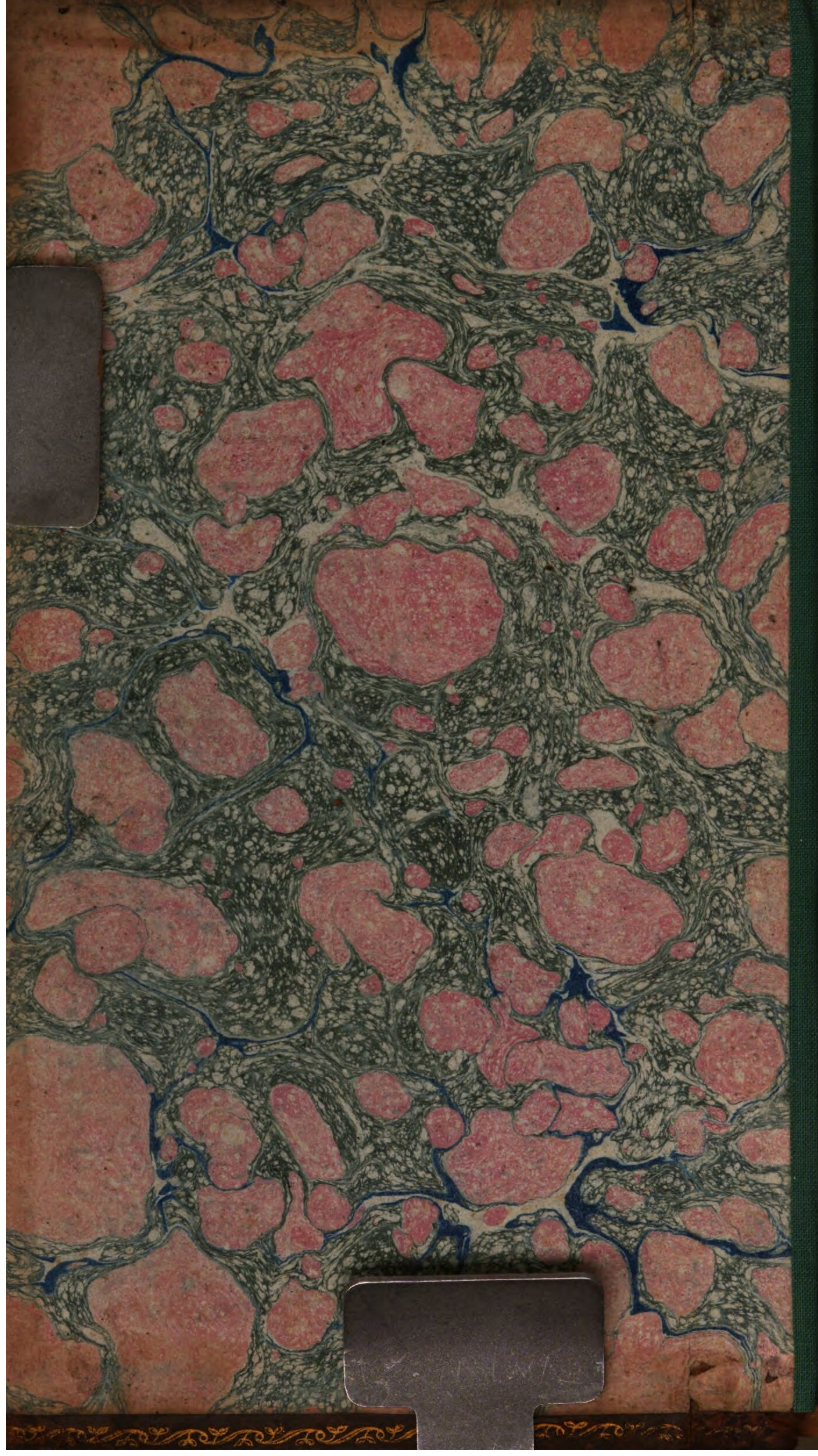
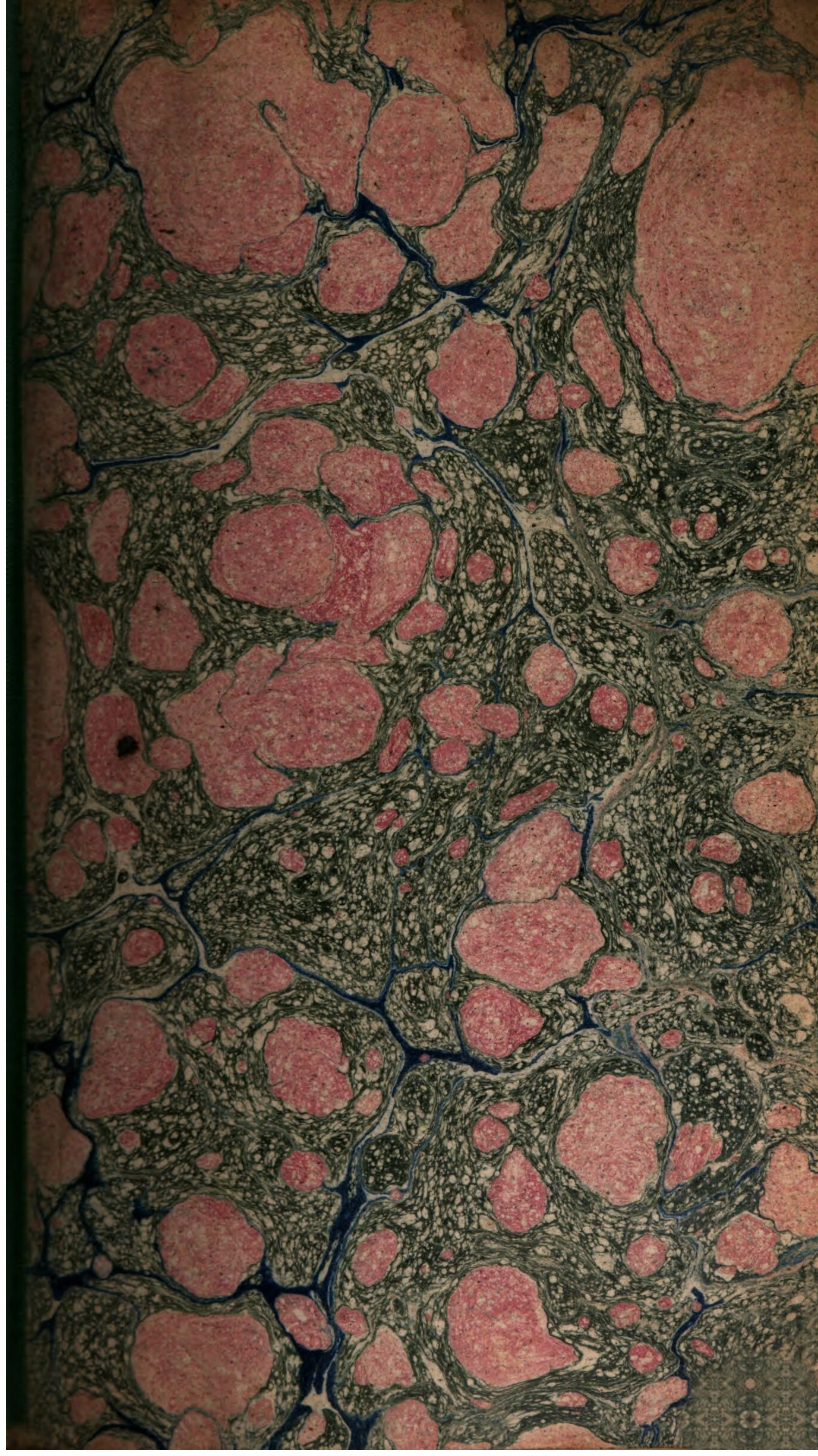








J. rel.

Duhigg

130

HISTORY
OF THE
KING'S INNS;
OR,
AN ACCOUNT OF THE LEGAL BODY
IN
IRELAND,
FROM ITS CONNEXION WITH ENGLAND.

IN THREE PARTS.

PART I.
TO THE DEATH OF
ELIZABETH.


BARTHOLOMEW THOMAS DUHIGG, Esq.

BARRISTER AT LAW.

ASSISTANT BARRISTER FOR THE COUNTY OF WEXFORD,

AND

LIBRARIAN TO THE HONOURABLE SOCIETY OF KING'S INNS.

—●—●—●—
Si in foro causas dicentibus nefas, ut ita dixerim, videtur esse, nulla præfatione facta, Judici rem exponere, quanto magis interpretationem promittentibus inconueniens erit, omiſſis initeis, atque origine non repetita, atque illotis ut ita dixerim, manibus, protinus materiam interpretationis tractare.

Dig. Lib. i. Tit. de origine Juris.

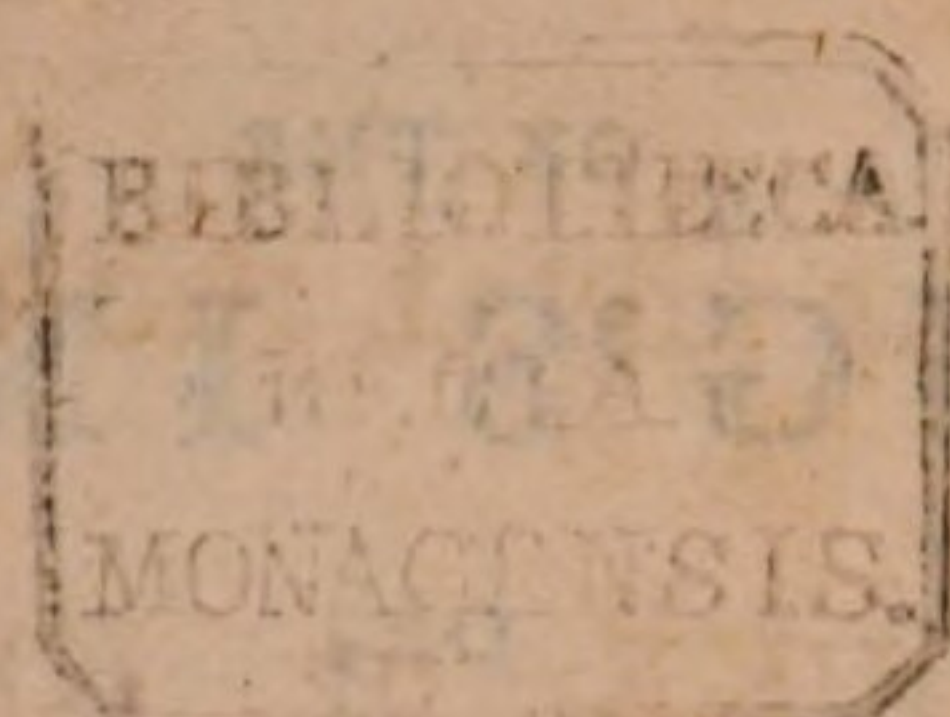
Dublin.

PRINTED BY JOHN BARLOW, BOLTON-STREET.

1806.

[ENTERED AT STATIONER'S HALL.]

HISTORY



AN ACCOUNT OF THE LEGAL BODY

IN ENGLAND

FROM ITS CONNECTION WITH ENGLAND

BY THOMAS BARTON

PART I.

TO THE DEATH OF

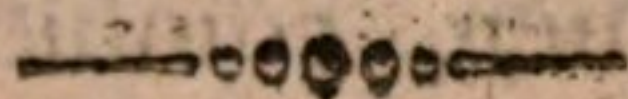
ELIZABETH

Bayerische
Staatsbibliothek
München

By the Editor of the *Quarterly Review*,
London. Printed by J. G. & J. W. Smith, Stationers,
No. 1, Pall Mall East. 1841.

TO HIS ROYAL HIGHNESS THE

DUKE OF KENT.



SIR,

THAT delicacy which prevents me from paying proper personal compliments, cannot suppress feelings suitable to the high honor of being permitted to inscribe to your Royal Highness the HISTORY of the KING'S INNS; a Work, which originated in an anxious wish to uphold the joint Constitution of both islands, and to preserve to my native country the undiminished blessings of English Law.

Animated by the preceding principle, I toiled through a *dark, untrodden path*, uncountenanced by the fostering smiles of Government, and dreaded by every legal jobber, as an avowed reformer, whose object was rather to check future abuses, than to animadvert on former malpractices. By the influence of such men, the King's Inns Remembrances were represented as dangerous criticisms, which must inevitably lead to an immediate modern review. Meantime, honest men stood aloof, pleased at my progress, but indisposed to give the novel system any imprudent sanction, or personal support. Thus, unexpected delay led to a fortunate accident, which gives to my feeble efforts a Royal Patron.

One painful circumstance accompanies the pleasing event: I am precluded, in a personal address, from doing justice to your public spirit and professional talents. Thus, what secures humble devotion, and faithful attachment through life, enforces silence at the present moment. However, the military habits of Irishmen, combined with the temper of the times, render your services completely understood. My countrymen know how to appreciate the firmness with which a Prince, in the bloom of youth, exchanged the allurements of London, and pleasures of family connexion, for frozen climes or tropical heats; nor probably will they less revere that disposition which leads your Royal Highness to a patronage and protection of Irish Law.

But, Sir, your family are, at all events, national property; legal habits, therefore, bind and warrant me to connect the House of Brunswick with the Constitution of Ireland. It would be affectation to ground loyalty on stronger principles than patriotism and self-interest; but though such feelings form the solid ground-work, gratitude and personal affection may grace the superstructure. My characters of George I. and II. stand confirmed by historic evidence, and form a general opinion among the Irish people. Can any circumstance more strongly display a national greatness of character, than this affectionate reverence for bravery, honesty, and a love of justice in their Kings? Possibly a portion of patriot feeling pervades professional habits, when I affirm, that it would not be my wish to see commercial

mercials pursuits, however lucrative, smother the martial spirit of my countrymen. Thus fortified, I am proud that my only son is sustaining the standard of English Empire on the scorched soil of Sicily. Should he even fall in that interesting contest, Nature shall feel ample consolation, whilst revealed religion thus far rivals the philosophy of paganism, as to enable a father to thank Heaven for sanctifying his life by a glorious death.

Under new risen circumstances, and with an eye to the permanent strength of the British Empire, the continuance of a general military temper ought to be encouraged. Thus, the different parts of the body politic will resemble the human frame, and by separate, but correspondent exertions, contribute to general symmetry and strength. Without any intended offence to British fellow-subjects, or even foreigners, let me assure your Royal Highness, that the Irish peasantry are as brave, as intelligent, and as capable of labour or industry, as any people in Europe. If a coward* can be found in this country,

* I must be permitted to illustrate this temper of Irishmen by that ancient language, and possibly from the observation, ascertain the original motto of the Princes of Wales. The Irish express *courage* by the word *good*, or, as it spells in that language, *homout*, quiescent letters render it, thus literally uttered, as unintelligible to an *Irish scholar*, as French treated in the same manner would be to a native of *Paris* or of *Blois*. When a coward is described, the *Milesians*, or *ancient Irish*, say, *ous Faire Moucha un te ea*, that is, *he is a quiet, or tame man*; for the perfection of goodness, in the opinion of such warriors, consisted in

try, it is not among the lower class; with them courage is, indeed, a vulgar virtue. Their peaceful pastimes

in military talents, and tameness or quietness was supposed to flow from a want of animal courage.

The tomb of the Black Prince has the words *Ich, Dien, & homout*; the two former were well explained by a poor Welchman: *See the man*. The affinity of the Welch and Irish tongues, if they are not of an original stock, often give to the same words a similar meaning in Irish. *Homout* was mistaken for *German*. Mr. Gough, in his *Sepulchral Monuments*, accurately states these matters, but ventures on no opinion of his own. The Welchman was right in the general application, yet gave no explanation for *homout*. As it was not in Welch dictionaries, *that word baffled the assaults of critical etymology*. My illustration is *apposite, consistent, and natural*, well known at the fairs of *Ballynasloe and Tipperary*. Thus, “the rude swain treads daily on it with his clouted shoon;” but when displayed in *Roman letters*, or *barbarised by sound*, plain language seems to require the aid of an antiquarian, and linguist.

All Irish writers, of *English descent*, have hitherto laboured under a radical ignorance of the *Irish tongue*, whilst Milesian chroniclers darken undoubted truths by the blended tissue of *vanity and fable*. Solar advice is therefore useful, *in medio Tutissimus ibis*: such at least shall be my steady pursuit in the *Third Part of this Work*, which is intended to make *History and Law* illustrate each other, and refer for *authority or explanation* to the mixed languages of our different ancestors.

Vinegar-hill, in the County of Wexford, (at the foot of which I have so often administered justice) bears a root of derivation unknown to any native, *with whom I ever conversed*. Flowing from English, it is *flat nonsense*, or has no intelligible meaning. In Irish, *clearness and correctness* mark its derivation, and mean *Owanenegar Knock*, the *Sharp Hill of the River*; variation into English

pastimes bear an image of war. Seasoned by climate to an happy healthfulness of constitution, and by state of life to vigorous toils, they are enabled, with equal ease and security, to endure the scorching heats of Egypt, or the chilling colds of Canada.

This class of men completely resemble what Vegetius would wish a Roman army to consist of, “*Rustica Plebs, Quæ sub divo & in laboribus enutritur, solis patiens, umbræ negligens, balnearum nescia, deliciis ignara, simplex animi, parvo Contenta, duratis ad omnem laborum tolerantiam membris.*” Such were the foldiers which an experienced ancient described, as enabled to sustain or extend empire. Had that man known this country, sagacity would direct him to recommend large drafts from *Irish hurlers*, as the fittest (in the opinion of Marshal Saxe) to effect a retreat, or to take and destroy a routed foe.

Such

English forms it in an instant; the former part *becoming*, by an easy transition, *Vinegar*, and *Knock is Hill*. The *course of the Slaney, and its local position*, put the matter still more beyond doubt. Let me add, that the *Irish language* is totally unknown among the *Wexford peasantry*, who even affect to despise the *ancient Irish*. But the *Roman Catholic religion* is firmly adhered to, and appears to the inquisitive or attentive observer in a thousand instances; *one must however, for the present, suffice*; The *patron saint* of the diocese of Ferns is a commoner Christian name than *Patrick*, and even in that word the variance of sound from letters must astonish the English scholar; it is composed of the following syllables: *Maidougech*, but sounds, by *quiescence*, *Mogue*, and people perfectly ignorant conceive, that *Moses* is its correct English translation, which is not the case.

Such also were the habits, exercises, and forbearances, which entitled a man in the opinion of an Irish annalist and lawyer, to rank as a warlike soldier. “*Bellicosus quidem ille miles haberi debetur, qui fudo & udo cælo aptus est, qui ad omnes labores impiger invenitur, qui famem pro condimento, nasturtium pro cibo, humum pro cubili, arbuſtum pro tabernaculo habet.*” If national temper is measured by the joint feelings of writers and inhabitants, the Irish character stands confessed; though party malevolence has so often exhibited the inhabitants of this country in different and degrading colours. Let experienced generals and enlightened statesmen mould such machinery to proper purposes, and the wise system will give to our empire encreased and immortal strength.

However, your Highness, and your Royal Brothers, must take the lead in this great movement, the rest of his Majesty's subjects *may become soldiers*, but it is the fixt *inheritance of British Princes*, and peculiarly applicable to the *House of Brunswick*. Animated by such feelings, a brother of the present Duke felt from a mortal wound no greater pain, than that a premature death precluded him from indulging a full measure of military exertion. That gallant Prince had a true relish for fame, and merits to be rescued from oblivion. Let his glory then go, *far as these feeble pages may reach, and animate persons of inferior rank to similar heroism*. British Princes need not look abroad for example, every period of our History exhibits their predecessors supporting
national

national independence, or bravely perishing in its just defence.

Edward the First and Third, thus repeatedly risked life; and the former in the field rescued his father from captivity. As if wisdom and courage formed the joint attributes of a British monarchy, the reigns of these great Princes are remarkable for the wisdom of *civil institutions*, and thus present a joint instruction to the Lawyer, Statesman, and Soldier. Edward the Third was from youth unable to discharge a like duty to his hapless father; however, the *name of Kent* shines through that affecting scene, with a lustre *untarnished by misfortune*; which circumstance suggests an ardent wish, that with equal virtue, but an happier fate, you may long prop a *father's*, and finally, a *brother's throne*.

Edward the Third, resembles in length of reign, excellence of private as well as public character, and number of children, your Royal Father. Each too was equally fortunate in an eldest son. A Prince of Wales then presented at the foot of an English throne, a conquered King, in our time, his successor humbly solicited, in suitable rank, to resist the approach of invasion; from which he might return with complete victory, or meet a glorious death. This exertion of family feeling, and personal position, has secured the respect of foreign nations, and the grateful affections of all his fellow subjects.

The

The wisdom of English law attaches to princely rank dignified danger, or political toils. His Majesty's conduct in the disposal of sons, illustrates the principle by *a permanent commentary*. The honorable defence or extension of empire is consigned to them, whereby perfect filial duty becomes coincident with the purest patriotism. Yet Ireland seems deprived of a gratification, *in my humble opinion*, highly merited by the courage, generosity, and loyalty of her inhabitants. Are the prejudices of dark ages to influence us by hereditary visitation? Shall no Prince of the Blood be allowed to hold supreme military command, or become the representative of Majesty in this insulted country? Yet what fellow subject could discharge the duties of either station with more independence, ease, or effect. An added collateral grievance also threatens us under *the Union Act*, whereby it seems doubtful, whether the sons of our Sovereign can vote for representative Peers. However, the House of Lords will (I hope) not render a legislative enactment necessary, but vindicate the spirit and known sense of both countries against *inaccuracy or omission*.

This circumstance naturally leads me to remark in what manner the heir * and younger branches of
your

* As my first wish has been, and shall be through life, to uphold the character of the *King, or his descendants*, the message relative to the younger branches of the Royal Family, merits explanation or support, even *in this distant and subordinate method*. First, as to the *Prince of Wales*: The landed revenue
of

your august House, have been treated or recognised by the law of Ireland, in point of property,
I can

of that great Personage is stated to be, *in the 50th Edward III.* Dutchy of Cornwall, 3415l. 18s. 5d. The Earldom of Chester, 1694l. 9s. 8d. and the Principality of Wales, 4681l. 12s. 5d. Total, 9792l. 0s. 6d. In 1766, Blackstone states, as an *illustration of forty shilling freeholds*, that such sum in Henry VIth's time, was equal to twenty pounds at the time he wrote; by this moderate calculation, the Prince's hereditary income was, or should be, worth in 1766, the annual sum of 97,920l. 5s. 8d. Let that be but doubled at this moment, and his just claim can be ascertained at a net income of 195,840l. 1s.

Compare also the difference between a naked annuity, and power arising from ancient landed property. Had his Royal Highness the *Cornish influence as it stood in Edward's time, its operation* (were he capable of sollicitation) would throw great light upon the subject in a *Minister's eye*—as to the consequence of the Welch or Cheshire inheritances, (exclusive of parliamentary strength) *Baron Price's* speech (flowing from an *honest, enlightened and patriotic native*) may be consulted for illustration or additional strength. As to the right of his Royal Highness to the accumulated amount during a minority, let me speak as a Lawyer with the *freedom of historic truth*, and therefore, I hope, *without offence*. The Stat. of Henry VI. recites his charter to the Prince, in which there is a clause, That the King should have the revenues, until the Prince attained the age of fourteen years. In further confirmation of existing law, the Charters of Henry VI. and VII. give livery to the Princes of the Dutchy, at the day of their nativity, as if of full age, and the King is bound to make them livery thereof. Even when the Sovereign aliened any part of said Dutchy, lands were given and confirmed in exchange.

The preceding observations need no comment, they are the unrepealed Law of England, were the measure a bounty, and regulated by

I can trace but one appearance of such attachment to a Prince of Wales in the person of Edward the Black Prince, which grant was personal, and not to him as heir of the Crown. A power of alienation therefore, enabled his unfortunate son, to confer the property on *De Vere Duke of Ireland*. This omission may be however accounted for by our defective

by the comparative price of necessaries, a few extracts, from accurate authors, will prove it perfectly justifiable. In 1379, two years after the 50th Edward III. Wheat was four shillings per quarter, White Wine six pence a gallon, Red Wine 4d. In 1382, a tun of Wine not to be more than 4l. In 1504, Wheat 5s. 8d. per quarter. Edward I. promises 1000l. dowry to his wife *Eleanor*, should he die whilst *Prince*; and if she comes to be *Queen*, adds 500 Marks more. Edward I. promises to his daughter-in-law, *Isabella*, 4500l. per annum. In 1330, Joan of Oxford, nurse to the Black Prince, had a pension of 10l. per annum. The present Prince of Wales's nurse, has 200l. a year for similar services; nor do I desire a fuller compensation for the Royal Heir,

This great Personage sacrificed his rights to the public. I can admire that nobleness of mind; but think it both legal and honest to ascertain the amount. Were the measure a matter of contest, it could be further defended by allowances to intervening Heirs of the Crown. As to situation, the Prince of Wales is bound by dignity of station to reward indigent worth, to relieve or lighten unmerited misfortune, to encourage arts, manufactures, and literature, and to promote national interest through various channels productive of extensive expence; embarrassments resulting from such exertions display purer personal merit, and correspond more strongly with the political duty of that great Person, than the most successful pursuit of commerce, or boundless accumulation of wealth.

fective legal provisions, and the particular situation of Ireland.

Until the reign of Henry the Eighth, the title of Lord only appertained to the Sovereign; it was therefore improper that the name of Prince should occur among the acknowledged ranks of society. Since that period, no Sovereign, save James I. saw his son attain the full age of manhood, until the year 1714. This may account for the neglect with which the heir apparent has been treated by the Legislature of Ireland, or superintending influence of an English Cabinet. The Irish position of that great character resembled internal taxation as enforced by a foreign Legislature—it was *indirect*, but *severe*; yet no part of his *Majesty's dominions* would feel more manly zeal to uphold in proper independence the *representative of his name, his honors, or his fortune*.

From the accession of the house of Tudor, no second son of an English Monarch graces the historic page, until the reign of Charles II.; James II. is then *presented to our view*, whose misconduct was equal to his misfortunes; and appears with uncommon guilt in the *acquisition of Irish property*. Meantime, from the accession of the House of Brunswick, pensions *extremely moderate indeed* form the *Irish appennage** of Princes of the blood. A
parliamentary

* Every well framed constitution contains within itself, a principle of renovation and review, which perfection shines
with

parliamentary interest often extorts from the difficulties of Government ampler and more permanent provision ;

with peculiar lustre in the English code, whether we consider its operation with foreign nations, or in domestic concerns. A neglect of the Royal line would be a great anomaly, whilst the rank and interest of every other class is watched with such anxious care. Resident Princes must be thereby in a more degraded position, than those whose convenience led them to reside in foreign countries. But neither English History nor Law warranted the variation by precedent or fact.

Ireland affords an instance in the settlement of *this country upon John*, whose accession to the English Crown worked a great kingdom to its original political position. A matter, plain in itself, is darkened by applying the maxims of one age to the practice of another ; but I believe it is pretty clear, that a Prince who passed to the Crown by usurpation, would not part with Ireland but by conquest. Such was the provision made by a brave and wise King for a younger son. Henry III. was extremely bountiful, and by permanent property to his son. Edward I. *not less so* ; and *Kent's* daughter was so wealthy, as to bear the name of *the Fair Maid of Kent*. An intermarriage with fellow-subjects formed another source of extensive wealth. I am merely stating facts, and not presuming to direct or arraign the counsels of my Sovereign, but so far to justify his patriotism, wisdom, and goodness, in assuring to the Royal Family an adequate income.

The Tudors could not manifest their own or the national temper in the provision of younger branches who had reached the age of maturity. Charles II. allowed, or permitted the Duke of York to possess an income of 100,000*l.* per annum. Queen Anne, when Princess, had 50,000*l.* per annum, but she was presumptive Heir—*so are all the younger branches*, to a certain degree. William Duke of Cumberland had 15,000 *per annum*, previous to the battle of Culloden. How inadequate
the

provision; I must therefore explain, by ancient history, in what manner the pecuniary ease and personal honor of those distinguished subjects was attended to. In this view, the reign of Edward III. obtrudes itself upon observation: whilst his heir was upholding the strength of Government at home, or rendering it illustrious upon the Continent, younger sons of that great Monarch were consigned to the *supreme, civil, or military administration of Ireland*. Nor is any page of domestic history more strongly marked for the *purity and vigour of internal govern-*

the proposed provision! which I do not mean to criticise, but to exhibit its moderation as a matter of joint merit in his *Majesty, the Princes, and Ministers*. An advocate for political œconomy I have ever been, but not upon points which would either disgrace our Nation, or degrade the Government. It must be therefore my wish to see *a million raised*, and its interest applied in equal portions to the Royal Dukes; such income should be annexed to the inheritors. Be the above sum the Irish separate quota. Lands were so settled by the rules of ancient Law, and annuities by the wisdom of modern Parliament on particular titles.

A legal education can alone enable *Britons or Irishmen* to ascertain, with accuracy and precision, the various sources of ancient Royal revenue, and the ease which accrues to the subject from the Crown's abandonment of such prerogatives, by the adoption of a Civil List income. These are my sentiments, as a Lawyer, and a resident in Ireland. But Londoners can unite an honest self-interest with justice and patriotism;—among them the income is to be spent, by which so many individuals of an opulent class will be benefitted, and the comforts of independence and ease administered to a multitude of the poorer sort, *thus rescued from inevitable idleness or want*.

government, or the humane gallantry of warlike enterprise.

Shall the remote dependencies of empire occasionally enjoy the salutary protection of our Princes, and be animated to heroism or loyalty by *Royal presence, precept, or example*, whilst a great and ancient kingdom meets proscription from that great benefit. Thus, Sir, we see, that our superior and boasted civilisation yields, in the preceding instance, to the ceremonious superstition, and irregular legislation of Edward's days. Yet one permanent connexion was formed at that period, which gives to your Royal Highness *the antiquity of Milesian descent*. Your family lineage can be thus traced through every soil in Europe, for your veins are filled with the *Blood of all her Kings*. Errors of policy are never more overlooked by a brave people, than when they proceed from a spirit of conquest. Thus, the *successes of Edward and Henry* must confirm the servitude or dependence of England, though an attention to Ireland and its inhabitants would unite, by indissoluble ties, the frame of an *insular empire*, which (thank Heaven!) is capable of exercising the most *unbounded commerce*, or of sustaining permanent and independent strength from *internal resources*.

But Ireland seemed doomed to a diversified political scenery, and to oppression or deceit in each mosaic movement. Unwarranted and unsuspended war stains the period of Plantagenet chivalry. Religious dissention inflamed the temper of the Tudors

dors, whilst unremitted attacks upon *civil freedom and private property* milled the milder genius of the Stuarts. This melancholy succession scarce admitted of *variety or aggravation*; however, unfeeling commercial monopoly, and illegal legislative supremacy completed the full measure of human poverty and servitude; a tame acquiescence to the preceding practices could not be relied upon; suspicion on the part of Government enforced tyrannic devices; Law was perverted, and Religion stained with persecution; internal dissensions composed and confirmed state practices, which unerring political causes produced *riot, revolt, or rebellion*. Mark the *successful result* as to internal *political freedom* or *established law*. The loyalist's singular and severe reward was a degradation of his country, and a legislative denial of these principles which form the heartstrings of English law, or are the ancient and undoubted inheritance of this afflicted people.

But, Sir, let me turn from this gloomy scene, equally ruinous to the strength of empire, and disgraceful to the honor of both countries, to the reign of *your honest and illustrious Father*. The vices of former times have been wisely abandoned, and English law, the *sapient nurse of arts and arms*, resorted to and revered. Where abuses exist, they can be accurately traced to particular incidental causes, and contradict not the general spirit of his Government. Besides, steady perseverance will mildly abolish such aberrations, and insensibly assimilate the feelings of every subject to a common
b interest.

interest. With undoubted good wishes to every part, the seat of nativity or residence is the true sphere of a man's duty. *Under this impression*, I see the strength of Government, and prosperity of Ireland move in social contact, and this regeneration has commenced, and continued from the accession of George III. His Majesty also meets an adequate reward in improved finance, increasing population, and confirmed loyalty.

Republicanism has had a full struggle, its deluded or interested votaries seem heartily cured of their attachment or hopes. Yet amid the fury of an inveterate foreign war, and the progress of domestic disaffection, due homage was paid to personal virtue, and no slanderous reflexion ever directed against our Sovereign. It has long been my humble opinion, that as a *son, husband, and father*, his worth transcends *all possible praise*; however offensive the versatile craft, or presumptuous corruption of ministers may occasionally exhibit the Government. Therefore when loyalty animated me, in early life, to report and criticise an *unanimous decision of the King's Bench*, and, according to solemn conviction, arraign the Judges of *personal corruption or legal ignorance*, that situation rather led me to view the Sovereign with added respect: For opposition appears a defensive armour, which ought equally to shield the Monarch and the Constitution, and ever enforce *this salutary precept*, "That the *one* cannot be struck at without wounding the *other*."

Wishes

Wishes expressed in the fervour of manhood receive undoubted strength from the reflexions of twenty years. Such settled sentiments must be therefore applied with peculiar propriety upon the present occasion. "May his Majesty long live to exercise with undiminished dignity, the prerogatives annexed to his exalted station; prerogatives which, like the refreshing dews from Heaven, shed beneficence around, and contribute to the security of our dearest rights. But when Providence shall ordain that an end be put to his anxious toils for the public good, may his successor, mature in years, and emulous of so endearing an example, feel the cares of Royalty a sacred delegated trust; and let Irishmen confound the abettors of anarchy or despotism, by shewing their Prince how far superior, in strength and steadiness, is the grateful animated attachment of fortunate freemen, to the constrained and treacherous professions of trampled slaves."

Your Highness can quickly perceive how natural the transition from dutiful affection towards my Sovereign to a sincere regard for his son. I trust that impartiality and truth will shield this History from a severe criticism suited to its defects. The subject was confined, which enforced frequent digression; it was important, and therefore involved a transient discussion of civil and religious principles; it related to the Legal Profession, and thus became inseparable from the dearest interests of Great Britain and Ireland; finally, it was addressed to your Royal Highness, which bound me to blend Loyalty with

b 2

Freedom,

Freedom, and not to lessen the great privilege, of thus approaching you, by *fear, flattery, or fraud*. This Dedication assumes an original air in being directed to public principles, without any material attention to personal compliments. If, *as a subject and lawyer*, I am correct in legal, or political applications, They will undoubtedly meet your approbation, and exhibit the best proof, in my power, of grateful attachment and faithful regard.

I have the honor to be,

Sir,

With the highest respect,

Your Royal Highness's

Much obliged and devoted

Humble Servant,

King's Inns,

B. T. DUHIGG.

Dublin, Aug. 1, 1806.

TO THE
PRACTICERS
OF
IRISH LAW.

I SHALL not provoke your perusal of the following Work with affected anxiety or concern—the infirmity of an afflicting disease is not introduced to deprecate enlightened criticism, or lettered justice. Intimates or friends merit more respectful treatment. Such situation however gave a closer image of death than opening the casement of tombs, or reviving by awful remembrances, images of departed persons; a mind so circumstanced was brought to that harmony of temper which holds communion with God. An indulgence of selfish or turbulent passions would be ill directed to Heaven, to which Patriotism, Charity, and Truth, form the surest passport. Such were my feelings, whilst the History of the King's Inns has been at the Press.

The importance of the subject is universally acknowledged, and its originality cannot be denied,
for

for materials drawn from a dark and hitherto unknown recess, affect legal situation, and, as an inseparable accompaniment, the national character. The whole range of literature could not so well enable me to give to your accomplished body a *novel production*, which yet comes home to your business and bosoms, nor to my fellow subjects at large, *Prolem sine matre creatam*. The pursuit has been pleasing from novelty, and interesting as it formed a legal link between hostile kingdoms, now happily consolidated into a great Empire. Each Irish reader may so far resemble me, as to find among ancestors, *natives of England, Scotland, and Wales*; where that is not the case, liberality of manners, and attention to public interest, will supply the defect. Ireland can be thus appreciated as our native land, without weakening a becoming respect and affection for fellow subjects through the British empire; the prevalence of such a sentiment knit divided countries under the Roman government with impregnable strength, and the steady adoption of it must assure to remote posterity the full blessings of our present fortunate situation.

The call of Government in 1804, required an *account of the funds of the King's Inns, the application thereof, and an estimate of future expenditure*; it is unnecessary to enquire how far this solemn order was obeyed with accuracy or truth; but the Society's ancient History, or existing modern rules, merited equal consideration—yet seemed objects neither of curiosity nor care. Preceding abuses afforded ample

ple instruction to check or counteract a continuance of concealment, corruption, or jobbing. For vices of this sort are almost perpetual, and can only be rooted out by a firm, impartial exhibition of the dishonest schemes and ruinous consequences which flowed from *governmental tyranny, judicial perjury, and national servitude*. My research and observations are directed to correct hereditary contagion, and extract, by legal chymistry, revived soundness and political health. Such an exertion, upheld by truth, may arrest public attention, and create an imperial controul over projected plans. To a conviction of this sort the King's Inns History owes its origin.

The most respectable practitioners also solicited the measure, as equally dictated by patriotism and professional correctness. My judgment was governed by that powerful application; the compilation was thus undertaken, as useful to Practisers, and necessary for future Members. Meantime, a subscription was opened to hinder an humble, but public spirited effort, from becoming a personal loss; for I appeal with confidence to cotemporaries, whether forward presumption, or an ascendancy of avarice over the interest of Ireland, form leading features in my professional character? At that period the *proposed Publication* was limited to *four hundred pages*, and completed previous to Hilary Term, 1805. A proper return of names, *sufficient to defray the expence*, would have instantly sent it to the Press.

Meanwhile

Meanwhile a report was circulated, that the legal Cabinet expected a previous review of the Work, and that it should be conveyed to the world after a solemn ordeal, *under such important patronage*. This singular overture was made to me by a weak, well-meaning friend, with an added hint, that a well-timed Dedication would be received with great kindness, and lead to immediate personal promotion. I respected the messenger, even of a mean embassy, too much, not to give a calm and sincere answer, that no work of mine should ever meet the public eye subject to *official arrangement, mis-statement, or suppression*. Thus, whatever faults or merits such may have, they must be *original, and entirely my own*. As to Dedication, I added, as an insurmountable proof of personal independence, that I resolved not to inscribe it to any of my *old, tried, and most respectable friends*, lest it may appear a slippery engagement of their particular interest in any possible ministerial change. My resolution was, to address it to an accomplished English Barrister, who retired from practice and ministerial situation, but with literary talents, and personal integrity, sufficient to discharge with dignity the most important duties of either. What disinterested regard suggested to me, will, I am convinced, meet a similar return on his part, and that respectable man feel added pleasure—that accident gave to my legal compilation a Royal Patron.

The preceding refusal, and my well known Whig principles, redoubled the rage of certain men, whose
influence

influence was exerted in every possible mode to discourage the publication. Three months elapsed without any proper return of names, therefore a collateral work issued from the Press, with a Postscript expressive of the state of the History, and the reason which withheld it from public view. The incumbent cloud of servitude or tyranny overhung that attempt—personal good will and public spirit were awed by an apprehension that the *Subscribers names would be annexed*. Thus, the usual encouragement of other works became an impediment to mine, whilst pride prevented, from such persons, a communication of the singular motive. My determination then was, to await a season when the hand of power would not be directed against me, or, at all events, print the History in London.

During this suspense the King's Inns Remembrances, without my knowledge, fell under the *Perusal of the Duke of Kent*. The approbation of a fellow-subject, more exalted by personal worth than public situation, was flattering indeed; I was even thereby animated to the resolution of soliciting permission to dedicate the History to his Royal Highness. My plan was unaltered, but elevated and enlarged, for I wished to convey to that great Personage such Irish matter as may be useful or agreeable, or consistent with Liberty and Truth. The political movements, or official practices of remarkable Irish Judges, are presented to public view with a continued criticism on Ministers, Parliaments, and Kings. Similar variety may mark the remainder of this

c

Work,

Work, for imperial interest shall supersede personal or national views. If feeble, but well meant efforts, contribute to remove the film of prejudice from Britons and Natives, or fortify his Royal Highness's well known attachment to Ireland, its inhabitants, and laws, I shall conceive that I have not lived in vain, or neglected that first and noblest moral virtue—*the Love of my Country.*

Legal Students may also be benefitted by a compilation adapted to the plainest capacity, yet sufficient to furnish new motives of attachment to an excellent King, and unrivalled frame of Government. This species of ambition is exempt from censure, untinctured by avarice, permanently superior to the craft or convulsions of party, yet meliorates the calm quiet of private life, or fixes legal celebrity impervious to the perishable frown of power. The Third Part is ready for the Press, and shall be printed during the course of next Winter. Though the matter has been nearly doubled, no increase of Subscription is demanded, which precludes any interested view of that sort. Amid more important matters a minute attention shall be paid to existing or new rules; whereby a correct reference to ancient acts shall be connected with an accurate modern account, by which a complete resemblance can be preserved, or adapted to the parent Societies in London.

With respect to cotemporary Remembrances it is extremely natural, that such should be preferred to
the

the more ancient, however authentic, or even well drawn. Legal experience of thirty years may strengthen personal acquaintance, and enable me to *wound myself or others* by making correct and accurate criticisms of that sort; wherefore, though I cannot rival Lord Chesterfield in genius or composition, his good sense merits imitation, and shall preclude me from being the satirist or flatterer of men, whom I must consider as equals, whether they move in the highest legal orbits, or adorn an inferior sphere. I know but one Irish Barrister with whose personal or professional career such a freedom could be honorably taken, or who has hitherto given me permission; that person has not rank to controul public judgment, yet much legal information, and some useful observations may be bottomed on his movements. The profession abounds with such characters, whereby a successful surmise is prevented, and intervening discretion may enable me to determine whether Remembrances, completely modern, ought under any circumstances be published, and not reserved for promised posthumous publication. The King's Inns History must exhibit me to strangers, but the Legal Body of Ireland require no such medium; their long and intimate acquaintance can anticipate its probable contents, and how far the promised Part will assimilate with the present Publication.

“ *Servetur ad imum,*”

“ *Qualis ab incæpto processerit, et sibi constet.*”

Ireland and its legal establishment do not form an exclusive claim to the faithful discharge of historic
duty

duty—a wider circle is embraced, as will appear by the List of Subscribers to be published at the close of this Work. But the great condescension of an illustrious Prince, in receiving the address of an unknown person, where Irish Liberty and Law seemed to require protection, supercedes, by a becoming ascendancy, every inferior sentiment. *Lord Kaim* gravely assures the reader, that whilst composing his *elaborate Principles of Equity*, he always had *Lord Mansfield* in his view, and conceived that the fancy enlivened and improved his composition. Such idea also animated my late labours in a variation from the original plan, whereby I rose superior to the severity of illness, or other obstructions. Similar firmness shall uphold me to the conclusion of the promised Work;—*happy, supremely happy*, if the whole compilation be considered useful, interesting, or honest, by *Ireland's real friend—the Duke of Kent*.

B. T. DUHIGG.

Wexford, July 24, 1806.

HISTORY
OF THE
KING'S INNS;

OR,

AN ACCOUNT OF THE LEGAL BODY

IN

IRELAND,

FROM ITS CONNEXION WITH ENGLAND.



WHENEVER any branch of Irish History is reviewed from an anxious wish to uphold the unity or strength of the British Empire, and to extend or perpetuate the blessings of its well poised Constitution, the Writer must assume an independent spirit of criticism superior to religious or political prejudice.

The wisdom or folly, the virtue or vice of every age, is justly measured by cotemporary manners. Thus, the nations of Europe can contemplate their respective ancestors with a suitable sensation of filial piety and patriotism in every period of society, whether the system be illustrated by a display of early barbarism, intermediate improvement, or modern civilisation.

B

In

In this extensive research, Irishmen may dispense with doubtful or fabulous periods, and consign to contempt and oblivion such a portion of domestic annals as strengthen superstition or countenance civil dissension.

Under the preceding impressions, I have determined to record those regulations which guide the legal profession in this island, and form the constitutional link between both kingdoms, whose inhabitants are deeply interested by common language, lineage, and laws, to preserve the Letter and Spirit pure and unimpaired in every direction.

To our legal system, we owe a decided superiority over neighbouring nations in extent of commerce, greatness of wealth, and certainty of freedom; therefore gratitude to Heaven and attachment to Government must result, whether we consider the dignified position which that code has created and confirmed, or the impoverished and convulsive situation of former times: the patience and public spirit of our common ancestors counteracted severe difficulties, and left to fortunate descendants an enjoyment of extensive empire, and unbounded commerce, with a security for each, unexampled in the annals of mankind.

An attentive review of the History of Europe confirms the above position, but it is rendered evident, when the domestic state of either island is progressively

gressively analysed; readers must, however, prepare themselves in the manner recommended to law-students on entrance into that profession; they will be bound to forget the popular acceptation of certain words, or measure their meaning with a precision correspondent to legal accuracy and historic truth. This simple principle may enable fellow subjects of moderate talents, or limited education, to unravel the party spirit of each age, and the elaborate sophistry exhausted in its support. Lessons of wisdom, and maxims of morality, will thence arise, equal law, and general liberty be felt as not resulting from the place of nativity, the pride of family, or influence of extensive wealth, but a general blessing coæval with the Constitution, and inseparable from its legal code.

The inhabitants of each island attained such eminence of character by personal courage and political freedom, even in an uncivilised period, as to merit the respect and attention of posterity. The purest principles of public spirit or national wisdom, will therefore be exhibited in adhering to their legal maxims, and closely adapting necessary improvements to the established system.

All political heresies on either side of the channel are completely done away. The sun of freedom, warming Britain with meridian beams, no longer hangs in sullen eclipse over this ill-fated isle. Let Irishmen then partake of the liberal blessing, and as-

certain the stream of justice, from that confined fountain whence it sprung, to the general expanse, which at this moment enables it, like another Nile, to fertilise our land.

No circumstance in society affords a more conclusive proof of imperfect civilisation, than when Law has not become a particular profession, or its maxims are concealed and unknown; in an adoption of those important points, the English code precedes every other in Europe; it was reduced to a regular science and line of life, ages previous to the discovery of the civil Law, and the classes of its practisers rise as high as authenticated History and Records can reach. Their line of study and mode of appointment correspond with the spirit of British freedom; self-appointed and voluntary associations form the ground-work, whilst collegiate institutions with governmental professors lead to the study of the civil and common Law.

A similar distinction also marks their commencement of practice: a Barrister assumes his gown without the necessary consent or acquiescence of Government, but the Civilian or Canonist undergoes an ordeal of approbation from the executive authority: thus students enter upon, and pursue the profession, on a scale suited to personal and national independence. The internal management of Inns of Court has been from time immemorial equally liberal:—The members are divided into Students and utter Barristers;

Barristers; from which latter class, Benchers are chosen: from this mixed body of practisers, the King raises some by his royal Writ, to the state and degree of Serjeant—it is observable, that persons thus dignified emigrate into a different establishment, which leaves the remaining members of the Parent Society free as the Laws they practise, or the principles which gave them professional station; for a Judge is no degree in the Law, but an office only, or room of authority.—Yet by common Law, it is only from the body of Barristers, or Serjeants, that the Sovereign can make Judges; and if selected from the former, they are, previous to judicial appointment, received into the rank of Serjeant, and must take the statutable oath before they enter upon execution of duty.

The wisdom of this limit, or rather politic direction to prerogative, is too obvious to need illustration or comment: “The Benchers and utter Barristers also at certain times in the year resort together, and consult and advise with each other, concerning the causes of their house, and make decrees and orders concerning such things as they think meet to be reformed in the house; and *that* they call a Parliament.” Thus authority in that country is wisely filtered through different or controuling channels, to prevent or discourage an abuse. The legal profession has adopted the national principle; each Inn of Court is a separate college, with communicating privileges and concurrent jurisdictions,

tions, to one of which every Irish Barrister must belong.

The government of those voluntary associations bears a resemblance in miniature to the Constitution of the realm. Thus an annual Treasurer, Benchers for life, and the body occasionally represented by a parliament, governs the establishment, as a Chief Magistrate, Aldermen, and Common Council, guide the affairs of Corporations. However, as power becomes an unerring incentive to vice, evil practices can never be completely eradicated, nor correctly cured, but by a tribunal unconnected with either complaining faction, and separated from any benefit by the decision. Thus the Court of King's Bench regulates and limits the legal orbits of corporators, whilst Chancery, which creates them, has no superintending controul—with equal legal wisdom, the Judges of England have been, from time immemorial, visitors of the Inns of Court; nor can human ingenuity devise a more dignified or adequate tribunal: trained to legal discipline, armed with the habits which professional experience can bestow, zealous for the purity or perpetuity of that system of which they are the sworn interpreters, and separated from the busy bustle of mankind by sanctity of station: such are the visitors of the legal body in England, and, by parity of reason, through this kingdom. The interference of these grave Magistrates is also confined to the single point under review; for on translation to the rank of Judge or Serjeant,

Serjeant, the Barrister ceases to have an active existence in his Inn of Court, and is only complimented with the privilege of dining there as an associate—in pursuance of this settled principle, the Chancellor of Great Britain, or Master of the Rolls, continue members, if they have not been called to the degree of a Serjeant, or office of a Judge.

The state and situation of Attornies further illustrate the excellence of our legal Constitution: that respectable and useful body are, in professional appointment and exercise of such duty, under the direct authority of their several Courts, but it is only by an open, judicial decision, that they are subject to any controul; for as the privilege of an Attorney forms a most valuable portion of public and personal Law, the nation is deeply interested in its existence and support; therefore no act of intemperate or concealed tyranny can be exercised with effect, which does not strike at the freedom and happiness of the subject. How attentive that provision, which thus secures to the suitors a representative of competent skill and correspondent integrity!

Legal publication has been also equally attended to, not only by the public practice of superior Courts, but by promulgation from Parliament, at county Courts, and through other ancient jurisdictions. Legal works also undergo a popular ordeal, and are only sanctioned by general usage or solemn judicial decision. It must be a refined exertion of fanciful,

fanciful, or interested, ingenuity, which can engraft on the preceding system, anarchy or despotism.

Under other governments the people are neither warranted by situation, nor enabled by education, to understand the true principles of society. And this happy ignorance, until the present revolutionary period, gave to civil and religious despotism a secure repose, our well framed Constitution finds its strongest support in profound criticism; thus enlightened foreigners feel an enthusiasm in its favour, scarce exceeded by those who enjoy its most beneficial effects. Montesquieu did not imagine that ancient learning or modern establishments could sublimine his judgment to the true spirit of Laws, except he reviewed at length and leisure, that bold and boisterous people, whose courageous conduct, and complex code of Laws, strike foreigners with terror and surprise; in collision with English wisdom, he could not but take fire; in reading their History he reviewed their Laws—in perusing their Laws he discovered the national genius.

Yet among all the singularities by which Englishmen are distinguished, nothing appears to have struck him more forcibly, than the animated attachment with which they support the Laws and unimpaired form of a mixed government. If the preceding position requires historic illustration or conclusive proof, the melancholy æra of Charles I. is a standing

standing testimony to the present, and all succeeding ages. Though every instrument of government was employed for an undisguised establishment of despotism; though a knowledge of the Law in servants of the Crown (I admit their profound information) was only evidenced by skill in counteracting its benign influence, or perverting its genuine spirit; though churchmen, urged on by attention to their temporal interests, encouraged these violent abuses, and thereby drew a vengeful ruin on the episcopal clergy; notwithstanding these concurring causes, when the instruments of tyranny were removed, and a repetition of their offences prevented, the people panted for a restoration of peace and order, and were eager to shelter themselves under the salutary shade of their ancient Laws.

However, amidst these unfortunate convulsions, separate interests had grown up in the State, and over-ruled the strong inclination of the public mind; a standing army knew that its immediate dissolution would be the effect of peace: its leaders were still more strongly affected; pride, power, and interest combined to annihilate their respect for the Laws, and the well known perfidy of Charles enabled them to cover these selfish designs with a specious zeal for the public good. Under an union of such circumstances, it is not wonderful that the Constitution sunk. Princes, Magistrates, and People, may draw from that period an instructive lesson, and instead of pushing principles to extremes, preserve a moderation

moderation essential to the existence of every government, and particularly necessary to a support of the mixed form.

If the enviable situation of Britons were not the strongest tests of the benefits of monarchy, tempered by a spirit of freedom, the struggles subsequent to Charles's murder must be a decisive argument: yet, during the bloody cloud which then darkened the face of Britain, a majority of the people sighed for their ancient Laws. Cromwell availed himself of this principle, and the necessity of a Monarch was so visible, that he determined to establish at least a resemblance of it. Hence, the Protectorate—which was to represent the majesty of the nation to foreign powers, and to execute the duties of a limited prince at home. Thus invested, Cromwell was still frequently obliged to violate the Laws in support of his unconstitutional authority. From this source sprung high Courts of Justice, arbitrary imprisonment, and a violation of the sacred rights of Jury. Yet such was the attachment of even a fanatical army to the ancient Laws, that the imperious usurper was compelled to justify these proceedings by the frequency of real, and the affectation of pretended plots.

The model of their ancient Parliament was so revered, that he presumed at one moment to create an entire House of Lords, and to reform the representative system of both islands. If the national Church

Church was not re-established, it was because it ceased to be such, on account of the strength of contending sects, of the remembrance still fresh of Laud's unchristian administration, and of the weight of Church property, then divided among the partizans of power. The reigns of Charles and James II. give additional strength to this position, that a love for the Laws is the ruling passion of Englishmen. No party, however opposite in principle, inflamed by personal hatred, or distracted by the fury of the times, ever affected to disregard the Laws, or their sacred palladium—trial by Jury. From this fortunate coincidence of municipal Law and general learning, of established personal freedom, and firm political authority, Englishmen have been enabled to resist the civil despotism of Rome, and the artful progress of its ecclesiastical tyranny: a more ample detail, as far as relates to that celebrated island, falls not within my proposed plan; its progress and effects in this kingdom shall be however explained.

The patriotism which animates a Briton at home, directs his conduct in every soil he is destined to inhabit, which wholesome prejudice is upheld with untainted purity, and forms the dignified heirloom of British descent. Hence an imitation of English Law becomes, the leading feature of coalition, or conquest. In this manner Ireland has been gradually led to that practical freedom, which at this moment encourages industry, protects property, and preserves

preserves personal spirit—the jealous guardian of both.

The early intercourse between both islands reflects little credit on the inhabitants of either, except in the exercise of a martial spirit. As I confine my observations to our connexion with England, the reader shall not be bewildered in the mazes of Milesian story. “The state of society under that system precluded a progress of national improvement, supported an undignified spirit of warfare, inflamed, and not corrected an illiberal superstition, trampled upon personal liberty, and tore up by the roots every idea of private property, or industrious acquisition: its dissolution, however severe to suffering individuals, led to the happiness of posterity, forming, from a few disunited clans, a brave, a powerful, and a populous nation. Exercising an impartial criticism on the past Government of Ireland, I must assume the privilege to affirm, that the early mode by which English Ministers managed this country, displayed a barbarism almost equal to what they professed to correct; it is not my disposition to descant on the disgusting detail, though sufficient matter occurs even from the barren chronicles and malignant memoirs which disgrace our story.

The following quotation from a native historian will illustrate the above remark: “*O how gladly would I draw a curtain over the dismal thirtieth of January! O that I could say they were Irishmen who*”
“*did*”

*“ did that abominable fact! But it is certain, it was
“ done by others.”* Profound, indeed, must be that
malignity, which wantonly sacrifices personal and
lettered integrity. What opinion did the wretch
form even of party, if its interested tools could pe-
ruse with sympathy, this outrage upon national ho-
nour and historic truth, so emblematic of the au-
thor's servility and baseness. Did this virulent libel
obstruct professional promotion? That crafty wri-
ter well knew what incense was required by the Eng-
lish Cabinet, and a fervile Irish faction: experience
taught him that treachery and treason to his native
country operated as a passport to power, which su-
perseded the necessity of personal virtue. Thus, by
unceasing acrimony, unprincipled policy, and un-
blushing petulance, the miscreant rose to the rank of
Lord Chancellor, and Chief Governor, stations ac-
quired by flagitious party zeal, and a profligate abuse
of legal talents. Principles of jurisprudence formed
the only barrier to the versatile corruption of his
character, though they could not prevent the cease-
less virulence of a timid and vindictive mind from
pouring its venom on obnoxious parties and prac-
tisers; whilst upstart vanity mistook the devotion of
interested sycophants for the approbation of a learned
profession, and the feelings of a free people. As a
Chancellor and Statesman, legal fraud, official ser-
vility, and brutal tyranny alternately marked his
conduct; in the Cabinet the betrayer of national
rights; in Parliament a fervile tool of the reigning
faction; in Council the enemy of chartered free-
dom;

dom; on the Bench a rude partyman. To an Irishman of the preceding stamp, the last deluded Stewart entrusted the Great Seal: on his tomb then be this impartial epitaph engraved—a forward and corrupt Whig in the reign of King William, a plying and venal Tory under Queen Anne, but during the honest government of the Brunswick line, a degraded Statesman, wasting the lengthened remnant of existence in reflecting on the frauds which paved his way to office, and the perjuries which marked his continuance in it.

By a series of such publications, Ireland presented a phenomenon in the history of mankind. A portion of its degenerate natives became the uniform aspersers of unlettered peasants, and falsely imputed popular errors or crimes to an immutable disposition, and not to the political situation, or prevalent customs of the times; forgetful, that countries do not differ more strongly from each other in policy, religion and law, than descendants from their ancestors. Interested falsehood thus became current, and the natives of each island were arrayed in habitual hostility against each other.

Yet the genius of Irishmen often rose superior to envenomed aspersion, and arrested the respect of calm and enlightened observers. In the following manner Sir John Davis commits himself in confidential intercourse with a keen and sagacious Minister: “There is no nation under the sun that doth
“love equal, and indifferent justice, better than
“the

“ the Irish, or will rest better satisfied with the execution thereof, although it be against themselves, so as they may have the protection and benefit of the Law, when upon just cause they do desire it.” For centuries that blessing was denied, and the natives necessitated to live under the tyranny of separate and disunited chieftains; which system, however, fortunately prevented an union, or a force suited to general population against invading antagonists; whilst the latter, allured by general heroism, preferred a state of hostility to regular colonisation. Civil dissension in this manner precluded a firm exercise of political wisdom, or a proportioned progress of legal improvement. One class of the inhabitants conceived an adoption of English Law as the stigma of conquest, and the other declined to make such offer, as its necessary influence must lead to similitude of manners, and sincerity of friendship.

This separation of the civil system had still more fatal effects upon the ecclesiastical establishment; each island professed the Roman Catholic religion. The united and independent sense of English laymen was seconded by an enlightened portion of their clergy. To resist papal usurpations, they held communion with the Romish see in matters of faith, without surrendering the supreme patronage of the Church, or the temporal interest of the nation. The Irish people, divided and distressed, could neither exercise nor concentrate a strength of opinion or legislation

gillation suited to this formidable and unceasing foe. Thus at the dawn of the reformation, whilst English clergymen shook to its foundation the papal throne, the Irish priesthood took an opposite part, to which criminal attachment they were encouraged by chieftains of every descent, who foresaw in the joint progress of civil and religious reformation, a downfall of usurped power, the possession of which, seemed preferable to that settled security and rational equality recommended by the pure precept of the Protestant faith, and enforced by the just interpreters of English Law.

It is not wonderful that with such powerful aid, and under that sanctified authority, a majority of Irishmen adhered to the ancient system, which seemed to second personal freedom, and sanction national independence. The Protestant government had to struggle, not merely with floating fanatical opinions, but with the settled interests of a warlike aristocracy, and an united hierarchy. Thus deprived of that powerful support which landed interest confers, or religious zeal inspires, peaceable and permanent dominion could only be extended by the patronage and protection of municipal Law.—In what manner, under what circumstances, and with what effect that system was introduced, forms the object of our present inquiry.

The reader is now solicited to adapt his opinion to a description correspondent with ancient periods, howe-

however it may differ from the present situation of either island. For centuries after Strongbow's descent, Dublin did not exceed in size the modern town of Wexford: the other seaports of the kingdom in the hands of the invading colonists existed on a similar scale. The entire sea coast of the kingdom was not in their occupation. Even in 1533, the sept of O'Byrnes submitted (by an indented treaty of allegiance with Henry VIII.) to the condition of subjects, and surrendered to that Prince the town and castle of Wicklow. But the Irish Cabinet from habitual self-interest counteracted the intended integrity of their Sovereign; a descendible security to landed property was withheld, and no protection given to active industry by legal freedom: practices such as these, were finally completed by territorial confiscation and personal plunder.

This transaction is typical of Irish Government to that period. The King was represented by Grace and Mercy through all his dominions, whilst the excellence of his legal and personal character was denied to Irish subjects: how pleasing the contrast at this time exhibited to our brave and honest peasants, whose persons are protected, and industry encouraged, with a certainty that their posterity have a constitutional right by merit to attain professional rank or ministerial station. Must not self-interest second loyalty in disposing them to adhere to the throne of George III. and uphold his mild dominion? In this manner Prince and People can review the vice or mi-

fery of distant ages, and improve the national happiness. By preceding impolicy the rude chieftain of a narrow district was linked in league with his Sovereign, which, however, continued during the reigns of the Tudor line; for the interior part of Wicklow did not become shire-ground until the accession of James I.

Previous to the seventeenth century an intercourse between Irish cities was kept up by sea, or through defiles and passes occupied by an envenomed and oppressed foe, with whom the legislation of the state forbade either coalition or friendship: any acquired portion of inland country was unwisely erected into Palatinates, whose chieftains preferred independent dominion to the salutary restraints of regular Law. Sage chroniclers imputed this to degeneracy of manners, but the principle flowed from that appetite for power, to which human nature, untamed by art or education, is for ever prone.

The priesthood may exercise their calling in every stage of society, and enjoy proudest dominion, or most extensive influence, in barbarous periods, Law is, however, the child of civilisation, and thereby becomes the parent of an useful and powerful profession. Such a body in any considerable number, could not then exist in Ireland. There were no circuits for centuries after the introduction of English Law.—Superior Courts alone afforded any encouragement or reward;—within each precinct local
| jurisdic-

jurisdictions determined civil causes, and martial law, guided by Strongbownian Palatines or Tanistical chiefs, formed the criminal code. The pure spirit and perfect process of English Law was thus confined to the capital and a narrow portion of the Pale. An arrangement of legal officers had been regularly kept up, and Courts constantly held, which employed a few Barristers, who expected, after a practice more laborious than lucrative, to attain judicial station: from this motive such inhabitants as resolved to prepare by legal skill for professional eminence, resorted to the Inns of Court in London, where English Law was cultivated in the highest perfection. Great benefits accrued hereby to individuals, and to the country.—Barristers acquired an intimacy with legal professors in England, and that attachment to the seat of youthful education, which is seldom eradicated from feeling or honest minds; they were equally bound by pride and self-interest to uphold a connexion useful to both countries, and which gave them exclusive emolument and rank. To this leading principle Ireland owes the blessings of a consolidated Union, and that zeal for equal law and liberty, which has through ages distinguished the practitioners of Irish Law.

The legal profession did not sustain a rank so exalted in England as in this kingdom—there it sunk under the superior and surrounding ascendancy of Parliament and Peers—here the rights of a national Senate required the continual aid of legal talents to

render them permanent or secure. With independent nobles, possessed of regal dominion, the law of the land became a kind of law of nations between them and their Sovereign, of which system Judges and Barristers were the real interpreters; but above all, the Pale was nearly encircled by hostile septs, desperate from proscription, and dangerous to the last degree by habitual courage, therefore, Lawyers were kept in continual alarm, and trained to every national exercise.

As distinguished descent marked the early invaders of Ireland, they were singularly anxious to sustain a correspondent character in their new settlements, and thus rival the vanity or rank of Milesian chiefs. Merit alone could not effect, what is so common in modern times, the elevation of a man of mean birth to high or supreme command. Feudal principles forbid the transition, nor could royal authority, or popular influence, suddenly sap or shake that system, so deeply interwoven with pride, power, and self-interest. From the preceding high-minded class, uniformly sprung the professors of Irish Law at that period. A mixture of military skill, and legal talent, was necessary to attain individual eminence; nor can we doubt that genius, or even unabated industry, secured success—for we have seen in the ranks of Volunteers and Yeomen, men of the same profession, eminently skilled in technical and military tactics.

English

English societies, comparatively large, and dispersed, could not keep so strict or constant a survey upon their members as the Irish Association was enabled to do. Thus the law of opinion bore redoubled sway, and seconded every honourable incentive to correct conduct by personal policy. The occasional appointment of English Deputies, or Judges, rendered practisers incessantly solicitous to unite talent with integrity;—such acknowledged qualities led to an intimate intercourse with men in power, and became an unerring passport to official promotion, regular parliamentary parties did not divide society, nor had the Government of Ireland continual convenience or necessity to slander respectable persons, from a wish to promote minions of inferior capacity, industry, or integrity.

The Palatine Peers indulged an imitation of royal authority, and for that purpose preserved inviolate the legal system, their military tenants could correct any flagrant abuse, not by a doubtful revolt, but an immediate appeal to the government of their common Sovereign, as the impolicy of granting Palatinate power was deeply and sincerely regretted, the slightest complaint afforded a pleasing pretext for interference or oppression. Thus there existed an incessant motive to appoint firm and upright Judges in these local districts. The feudatories were even indulged in tyrannising, or at least exercising arbitrary authority over inferior classes, from an hope of strengthening their personal attachment, and thereby securing military fidelity and zeal. The records

cords of Palatinate Courts assure us of the regular practice, though silent as to the political motive. Such documents invariably present a correct epitome of English Law, whilst the royal courts in the capital presented the same system on a more enlarged scale.

No Inn of Court, it is true, had ever been established in Ireland for elementary study, or legal degrees, nor was any idle dream of national independence in early ages echoed through this kingdom, but as extremes ever produce their opposite, that legal presumption sprung from a principle equally unfounded, external legislative supremacy. Under the pressure of the latter position anomalous to general liberty and English Law, the form and substance of a transferred legal model must be considered as subordinate and insecure, though enjoyed by the blended coalition of gallant adventurers, or privileged natives.

Wealth and Commerce are, to a certain degree, extremely valuable;—the former dispenses personal comfort, and the latter extends national civilisation. But patriotism dissolves these powerful ties, when inconsistent with national honor, or, what is more justly dear to the human race, the permanent interest of descendants. Our predecessors were fortunately unacquainted with such corroding questions, and saw nothing in the practice of English Law, but a just object of imitation, with a constitutional claim to its full enjoyment.—Even Milesian natives rose superior

perior to the prejudices of local education, and justly attract the admiration of our time, by a repeated solicitation of English legal privileges, and a settled regret or discontent at its rejection, by an unwise and corrupt Government.

Succeeding policy seemed equally absurd, which could hope for the grateful or animated attachment of Irishmen, and yet insult their judgment and loyalty, by giving a different extent or construction to legal principles and maxims, in the two kingdoms. Altered manners will have a suitable effect, and England be revered as the common temple of legal freedom, whilst the subjects of its extended Empire are permitted to enjoy equal and acknowledged privileges as their undoubted and inalienable inheritance. Without this fixed sentiment at the seat of government, splendid conquests, or extended commerce, would accelerate public ruin, and involve English freedom in the melancholy wreck. Surrounding nations of Europe in the preceding manner exchanged feudal independence for a despotism sanctioned and supported by the comments and authority of external legal codes,

“ Whilst Irish and Britons, foreign Laws despis'd,
“ Still kept unconquered, though uncivilis'd,
“ Attached to native rights, and uncontroul'd,
“ They still defied the Romans as of old.”

But nothing fortified national freedom more than the strength of Monarchy which had fortunately been

been established in England from the death of Stephen, with power sufficient to awe aristocracy, controul sacerdotal craft, and suppress popular insurrection: legal practitioners thus became the reserved guard of national freedom, and created or extended those salutary comments which preserve inviolate the respective rights of King, Nobles, and People. Many of those ancient maxims were incorporated in our Statute Book under Edward I. but the common Law attained the pinnacle of collegiate perfection in the reign of Edward III.; as its principles and practice uniformly prevailed through an extensive kingdom, an opulent and powerful body was sustained in public station, or by the active exercise of private profession.

Besides, an insular situation gave occasional intermission to military exertions, during which periods, a considerable accession accrued, of persons dignified by hereditary rank, family, and fortune. Thus a taste for legal knowledge was diffused through the realm; and national councils enlightened, not by an inconsiderate adoption of foreign Law, but a calm review and melioration of British legal maxims under the sanction of appropriate comments, or statutable authority.

This fortunate coincidence secured to the Monarch an exemption from papal power, and to the great body of the people the inestimable blessing of civil freedom; the legal body even acquired an additional incentive to understand and improve their par-

particular study, and thereby elevate the national code beyond the cavils or criticism of Canonists and Civilians. The free spirit of English Law prevented any engagement of its professors in state affairs, or any courtly commentaries subversive of general privileges. The human mind, confined to one professional pursuit, exercised unspent strength in its illustration and support. Personal freedom, and trial by Jury, which were unknown to the Civil or Canon Law, became from that motive, as well as their intrinsic excellence, the favourite theme of common Lawyers; fiction was rendered auxiliary to fact, and sophistry to reason, in strengthening these great bulwarks. National vanity also contributed to circulate the unadulterated usages of England, and to reject as a badge of dominion, the glosses of foreign systems.

Among the few men who united a complete knowledge of the three codes, the Common Law preserved a proper ascendancy over the mind; thus, the superior regularity of the two former was pressed into the service of the latter, and the principles, as well as maxims of despotism, softened and rendered subsidiary to the cause of freedom; we even see the classic language of each, not only incorporated without mischief, but to important use.

The reader must here permit me to pay that respect so well deserved to the venerable shade of Bracton. That great Lawyer and honest man ranged through the civil Law, untainted by its doctrines, unmoved

moved by the fashionable folly of his time, "Among the many faithless, faithful found," he had the sense to discern, and the spirit to reject, the gilded bait of despotism: if he imitated cotemporary practice in quoting that celebrated code, his genius furnished an antidote to the poison, his comment corrected the text: like an able chymist, he extracted healing medicines from the most deadly roots. In subsequent periods, Lyndewode and Smith, equally learned in foreign codes, reviewed the legal polity of England, in works alike fraught with Roman spirit, and British freedom.

The reign of Edward III. is therefore as memorable for an illustration of English Law, the prohibition of improper exports, and a due encouragement of infant manufacture, as for chivalrous galantry, and unconquerable military spirit. The genius of these great Monarchs was infused into the councils of Ireland, and remaining records attest the purity and perfection of legal practice in each period.—The Statute Book, however, appears a blank, notwithstanding the frequent Parliaments held, and several Statutes enacted in each reign. But history, in that respect, supplies the chasm, and authenticates legislative provisions of a singular kind.

Be it sufficient here to remark, that Irish practitioners felt the full force of English habits and institutions, and therefore, as early as the reign of Edward I. adopted a collegiate connexion, which was
extended

extended and confirmed in the time of his illustrious grandson.

No account has reached our time, though such may exist among the concealed or mutilated records of the realm, whether the Crown gave the legal body any scite for collegiate residence during the government of the Plantagenets. In truth, an opposite presumption arises, as no recital of that kind occurs in the grant of the King's Inns. However, convenience, as well as imitation, led Irish Judges and Practicers to a voluntary association, wherein, with becoming integrity, they adopted as much of the original institution, as corresponded with their local station: smallness of number forbade a separation of Judges and Barristers, which was also unnecessary, as no legal degrees were conferred in this country. The whole body still continued a part of the English societies, and their conduct as to internal propriety was subject to that inspection, with a right of appeal to the prescriptive visitatorial authority of the Judges at Westminster.

The preparatory course of study in that country secured a similitude of sentiment on this important point: had any portion thereof been assigned to Ireland, a popular presumption must gain ground, that the completion here would be equally useful. The process or interpretation of law may be thus insensibly varied, and a separation of the kingdoms effected, whenever public calamity or misgovernment gave rise to despondence or discontent. It was worthy

thy of English wisdom and Irish loyalty, to avoid that dangerous rock.

An Irish Inn of Court was therefore established in the reign of Edward I. for this laudable purpose, and subordinate connexion; it was called *Collett's Inn*, and lay outside the walls of the city, where Exchequer and South George's-street now stand. In that precinct the superior Courts of Justice were also held, surrounding Palatinates or Irish Chiefries rendered the active duties of the King's Bench and Common Pleas very trifling. The equitable jurisdiction of Chancery did not then exist, or at least had no extensive subject matter to operate upon—whilst an appetite for revenue gave to the Exchequer ample and constant business.

An incident extremely natural to the existing government of Ireland, and its proscribed opponents, disturbed the peaceful dissonance of this legal tribe—a band from the Wicklow mountains watched an opportunity, whilst the Deputy and a greater part of the garrison were on a military tour, and concealing themselves in thick woods to the southward of Dublin, unexpectedly entered, plundered the Exchequer, burnt the Records, and slew the unarmed and unprepared inhabitants. This singular and successful attack will remind the classic reader that about the same period an equal misfortune affected the profession at the Temple, and in France destroyed every vestige of civilisation and science at the provincial seminaries of juridical learning. For
military

military marauders and mobbish rioters have with uniform acrimony, in every age or country, borne a rooted hatred to literary muniments and legal establishments. However, the capital of each kingdom fortunately escaped the general shock.

By the preceding event, legal Practicers were driven within the walls of the city, and superior Courts of Justice held at the Castle, and even at Carlow, which was then considered an impregnable fortress, on the southern frontier of the English Pale. This removal of supreme national Courts from the capital, and each other, must have fatal effects upon the legal habits and the collegiate connexion of Judges and Practicers. Correct arrangement of judicial decision would shortly evaporate from the Bench, and settled ignorance, upheld by loquacious presumption, supersede classic taste or professional talent at the bar. In this manner municipal barbarism must be ancillary to monkish craft, in resisting the movements of civil or religious reform under Henry VIII. Yet Ireland owes its escape, not to the politic forecast of an irregular and corrupt government, for the mischief was superseded and suppressed by the judicial influence and revered character of an enlightened individual. Thus there fortunately arose in the profession one of those eminent men, who with unerring certainty arrest the applause of posterity, and appeal to its impartial verdict from the interested neglect or mistful errors of cotemporaries. This is the true triumph of personal merit; what bears its fleeting image cannot be long upheld by
flattery

flattery or power, whilst the sterling stamp meliorates by time, and becomes immortal. In this memorable class Sir Robert Preston, Chief Baron of the Exchequer under Edward III. deserves a settled station. Profoundly learned in his profession, inflexibly just in the exercise of judicial duty, and highly heroic in defence of the country, wealth, power, and rank, were only estimable in his eye, as they administered to the luxury of doing good. This honest, brave, and enlightened patriot, disinterestedly assigned to the legal body his roomy residence, which thence took the name of Preston's Inn. It occupied that space of ground whereon the Royal Exchange and adjacent houses in Parliament-street now stand, and extended very near to the Liffey. In this position Judges and Barristers were lodged for two centuries, the buildings modified at their private expence, and the society upheld in collegiate form without external ostentation or internal corruption.

A disturbance arose, which was not foreseen by the generous donor; he left a certain part of the residence to his brother, (Sir Robert died without issue) whose family were raised to the peerage. Disputes arose about this undivided property; for though ground in the country scarce bore any proportioned value or income to what it produces at this time, *Pontage*, *Murage*, and above all, the security of a walled town, gave an higher price to the site of houses within that protected circuit, such as on a superficial view must appear extravagant, or even

even surprising—thus, political problems are clearly explained, and apparent contradictions reconciled by an accurate comparison of the state of society in different periods.

Government lent its aid to the noble Peer, and even the public voice declared, that if the limits were doubtful, Preston's heir was intitled to the debateable ground; that invisible body, called the legal profession, had a succession of feeble supporters within itself; the leading members preferred the specious friendship of wealth, rank, and power, to the stern and unbending integrity of personal honor or public spirit. By such criminal complaisance, encroachments were made, and the legal precinct gradually narrowed, thus making a precedent to sanction the more atrocious corruption of succeeding times.

Public evils, however, sometimes resemble private misfortunes, which frequently lay the foundation of permanent improvement, and personal prosperity. State policy rendered it inconvenient to hold the Courts of Justice within the Castle, as these chambers were required for military residents and their necessary accommodation. This circumstance led to that great measure which was adopted in 1542. The termly sessions of the superior Courts were removed to the dissolved monastery of the Dominicans on the northern side of the Liffey. The private apartments of that wealthy brotherhood often hospitably accommodated illustrious foreigners, and were deemed
suitable

suitable to the legal establishment. Thus, as if by an ominous concurrence of causes and events, that learned body which first read lectures on foreign laws in England, and introduced them into Ireland, sunk under the more useful ascendancy of the common Law, and its enlightened professors. In the same memorable year, the Lord of Ireland assumed the more congenial title of King. For though no enlarged power accrued, personal pride was flattered, and national prejudice indulged. As the principles of human nature never vary, however diversified or fugacious its manners, we see at this moment, the arrogant feelings of Austrian pride, and profound dissimulation of Italian policy, bending to a similar end.

Government made it an implied condition with the society, to release to the Preston family its remaining or interrupted rights. Gratitude combined with policy in complying with that proposition. The public voice assumed the legal habit of both islands, and gave to the new site an appropriate appellation of its founder, and in this manner termed it *King's Inns*. Gray's Inn, parcel of a dissolved monastery, was granted in the same year to the legal body in England, whereby that learned seminary exchanged the situation of Tenant for that of Proprietor. Thus, Law which is so generally the humble handmaid of religious systems, and the energetic organ of existing power, was enlisted in both kingdoms by the policy of Tudor, to uphold his civil authority, and perpetuate his religious creed.

That

That magnanimous Prince had beams of good sense which constantly controuled his rough and boisterous temper, and enabled him to consult a proper political interest in every great crisis of his reign. The usurpations of papal power were more odious to him than any principles inculcated by the Roman Catholic religion; he knew that the latter were considered merely as an instrument of Government by the papal cabinet, a motive more permanent and persevering, than what flows from religious bigotry or zeal. England exhibited strong discontent, and created considerable alarm by repeated insurrections. —Such was the deluded attachment of its inhabitants to papal supremacy, and the existence of religious houses. This country required still nicer management, with a delicate regard to its civil situation, and the settled influence of an Irish priesthood.

The uniform current of English chronicles or annals had founded the Plantagenet claim to Irish dominion on a papal grant. Government, satisfied with the exercise of regal right, did not disavow that insolent transfer. There was an equal foundation in Law or Justice for the revocation as the original gift. The impudent practice of that crafty Court did not escape Henry's sagacity; he therefore naturally expected resistance in a nation whose fervile devotion could not be shook by the Bull of Adrian.

The joint Government of England and Rome was perfectly agreeable to popish priests, whilst each

D

Cabinet

Cabinet seconded the domestic influence of the Church. The Protestant religion counteracted this ancient and established union, and was likely to change a great majority of clergymen, from being the willing instruments of order or servility, into active missionaries of sedition and treason.

Exclusive of the interested zeal of secular priests, there were at that time ten thousand regulars in the island, a singular and celebrated order of men, whose education and conduct appears to contradict their apparent institution and end. Precluded from the possession and enjoyment of property, their avarice ceasing to be personal, acquired a corporate strength. Separated from the business of society, an unabated ardour animated them to direct the exertions of mankind. On the reformation, monks started from the somnolence of centuries, and assumed an activity suited to the new order of things; a superstitious, warlike, and unlettered nation afforded them ample materials to work upon—with what successful effect, Irish History furnishes a melancholy proof! The fair sex also added four thousand impressed or deluded innocents to the preceding catalogue: even when “insulted nature vindicated her rights,” and such victims were thereby led to the altar of Hymen, the prejudice of education and profession generally induced them to atone for apostacy by instilling into their children an awful obedience to the Roman Pontiff, and sealing sincere repentance by a death-bed relapse. Such was the advanced guard of Tudor’s religious enemies, a body too numerous to be allured

allured by interest, and too bigoted to be influenced by reason, voluntary slaves to the author of their ruin, papal supremacy has been upheld by nuns and monks with a zeal equal to what animates eunuchs in defence of an eastern seraglio.

A secession equally ardent and extensive in the legal line would give Government its most formidable internal enemies, the ministers of religion and Law. Henry was aware of this double danger, therefore wisely determined to weaken and divide the blow. A suppression of abbey enabled him to reward the wants or avarice of courtiers in his service, and thereby animate them by self-interest to support the rising policy of his reign; similar wisdom suggested, that it was proper in public, as in private life, to anticipate and defeat the projected designs and malignancy of enemies by early and energetic activity. In assuming a name correspondent to his rank, he shewed surrounding nations his influence over Irishmen; in strengthening the accustomed habit of their legal education by statutable authority, he pointed to all his subjects the expected measure of their obedience, that English Law was to be known, practiced, and enjoyed through all his dominions. Whilst his manly spirit proved to civil and religious tyrants on the continent, that thus armed and animated, an English Monarch has inexhaustible resources and unshaken strength; to effectuate these politic and generous purposes, that wise and warlike King approached an Irish Par-

liament thus respecting its legal constitution, and recognising the national independance.

In this manner the public voice declared, that the hereditary Lord of Ireland was, and of right ought to be, its King. A pretended conquest, or the more oppressive usurpation of a papal title, were hereby trampled under foot.—The Statute also condemned with equal precision and energy the subsequent treasons which flowed from either source. Wise and considerate men will not impute it to professional pedantry, if I affirm, that the uniformity of legal education in both islands was equally important to the immediate strength of his Government, and the growing prosperity of both kingdoms. Such also was the opinion of an English Cabinet, and Irish Parliament. To prevent a perversion of Common Law, that declaratory Statute was made, by which persons intituled to practice at the Irish Bar must be, previous thereto—years resident at an English Inn of Court; for it was not thought fit, that any man should profess the Law in Ireland under an inferior or different course of study from the English Barrister, in which country no man can be admitted to practise as a Lawyer, before he hath been called to the Bar; it has therefore been ruled by solemn judicial decision, “that by the course of the common Law, a man may not give council or advice, until he hath been called to the Bar, not even though he hath letters patent enabling him to do so, as fully as if he had been called to the Bar.” And all the customs and usages of making Barristers,

ters, Benchers, Serjeants, and Judges, are part of the common Law of the land, sanctioned by the most early writers, recognised by such intermediate sages as *Fortescue*, *Plowden*, *Coke*, *Dyer*, *Selden*, *Bacon*, *Noy*, and *Hale*, and uncontradicted by any of its numerous, fanciful, hardened, and impudent misinterpreters.

Nor is any rule of civil right and order in the English code more agreeable or consonant to that perfect reason, which it is the glory of the common Law to resemble. It accords with Justice, upholds the Monarchy, strengthens Parliament, and secures the liberty of the Subject. As a just display of national pride be it also affirmed, that there is not any country in Europe, where any special degree is given in the municipal Law, but only the realm of England. And though there is no Inn of Court in Ireland upon English principles, nor degrees conferred of Benchers, Serjeants, or Barristers, yet the principles of the common Law extend to Ireland, and are the inalienable inheritance of all its inhabitants.

Until the 28th of Henry VIII. no oath, except that of allegiance, was required from the subject, nor was that necessary to official situation, as the Law presumed it engraven on the heart of every subject: but it was doubtful whether an English Barrister had a right to be called to the Irish Bar without leave from the State, and it also was assumed as an appennage of the Irish Viceroy and Council
to

to admit persons to legal practice without having been members of an English Inn of Court—to correct the former doubt, and suppress the latter usurpation of common Law authority, the above Statute was enacted, by a violation of which, an Irish Viceroy or Chancellor would incur impeachment, imprisonment, or death, in which solemn discussion the poorest Cornish borough would be a fortress of Irish freedom, and its honest or enlightened representative the vengeful opponent of a public wrong: for what could be greater than a misconstruction of this well weighed and useful Statute, by which a succession of practicers has been secured for the common benefit of both countries, versed in the Laws, and attached to the Government of England.

A legal system, thus improved and protected, merited the countenance of a wise and learned Prince. Henry therefore granted to its professors for residence, the said monastery of Friars Preachers, with the grounds appurtenant thereunto in the following form, as faithfully translated from the original grant: “ In the 33d year of Henry VIII. the King demised to John Allen, Chancellor; Sir Gerald Aylmer, Chief Justice of the King’s Bench; Sir Thomas Luttrell, Chief Justice of the Common Pleas; Patrick Whyte, second Baron of the Exchequer; Patrick Barnewall, Serjeant of the King; Robert Dillon, Attorney General; Walter Cowley, Solicitor of the King; and *to the other Professors of the Law*, the monastery or house of Friars Preacher

nea

near Dublin, and the site, circuit, ambit, and precinct of the said monastery and church, with the steeple and cemetery of the same, together with all the messuages, edifices, mills, orchards, gardens, lands, tenements, and other hereditaments whatsoever, with the appurtenances of the said monastery or house; likewise fifteen messuages, with the appurtenances, in the parish of St. Michan's, within the franchises of the city of Dublin. One messuage, with the appurtenances, in the street called Patrick-street; one messuage, with its appurtenances, in the street called New-street, and the moiety of a certain meadow called Ellenhorfe-mead, otherwise Gibbet's-mead, with the appurtenances, in the county of Dublin, and all other profits, possessions, and hereditaments whatsoever, with the appurtenances in Dublin, and the suburbs of the said city.

This grant resembled the Statute: it was temporary and experimental, being but for a term of twenty-one years; however, the Society was thereby interested in the establishment of the Protestant religion, and a complete suppression of religious houses. The preceding mode was consonant to sound policy, which must ever direct an enlightened government to give ease and dignity to legal professors, and to continue the bounty, until so improbable a circumstance may occur, as that the body at large should, by personal or general ignorance and corruption, justify a forfeiture. The effect ought also to be tried upon a temporary, and not a perpetual

tual plan, lest a settled inheritance may induce leading men in the profession to anticipate the profligacy of subsequent times, and divert to family fortune, or friendly patronage, the politic bounty of the Sovereign.

As every age is marked by peculiar manners, the Court assumes the general tincture, often acquiring inordinate power, and frequently sinking into unsuitable distresses. Henry's reign was distinguished by an uncommon accession of property, which was as profusely distributed, as it had been profligately obtained. Justice exacts an acknowledgment that many splendid and useful foundations thence arose in the sister kingdom, in which active industry and extensive learning superseded settled sloth and gloomy superstition. Private persons also benefited the State by successful solicitation. Such grants were more promptly and permanently improved, than if they remained in the hands of the Crown, and the balance of the Constitution restored in favour of its original fundamental part—the Commons. Had the Stewarts wisely weighed this return, and thereto adapted their administration, similar blessings might await that ill-fated race to what has adorned the House of Brunswick, or at this moment elevates the character of George III. and gives to him the legitimate despotism of a British Monarch—a right to reign in the hearts of a Free People.

The civil and religious situation of Ireland forbade its receiving equal advantage from the bounty
or

or beneficent disposition of a wise or heroic Sovereign. The interested views of a Viceroy, and his venal cabal, monopolised for temporary profit, or permanent provision, the Crown's immense acquisitions. The patriot purposes which in England generated important and encreasing improvements were obstructed or neglected in Ireland, where courtly craft directed partial patronage, to satiate the avarice of hungry courtiers, or unlettered military adventurers. Such impolitic and indiscriminate bounty engendered discontent, encouraged usurpation, and disposed many settlers to look for landed property through the medium of public convulsions, and amid all the horrors of civil wars.

Political principles require certain time to ripen, and then produce an unerring effect. Thus, the Stewarts sunk under the evil practices which were sanctioned by the Plantagenets, or the despotism resulting from the impolicy and misgovernment of the Tudors, but which that ill-fated line had neither courage to controul, nor wisdom to soften. A Government and Nation materially differs as to political events;—the former, if weakly conducted, yields to the growing tempest; whilst the latter, strengthened by population and courage, braves the injurious pressure, and finally weathers the incumbent storm. In this manner Ireland has grown to a comparatively gigantic strength, though the munificent bounty of the Crown has been often unwisely withheld, and still more frequently misapplied.

An

An establishment of the King's Inns Society, with a concurrent Statute, enforcing Irish legal education at English Inns of Court, forms a solid base for the character of Henry to rest upon as King of Ireland. This stately monument, impervious to the corrosive malignity of religious hate, or the perishable fickleness of political systems, must present him to impartial posterity, as an enlightened Legislator, profound Statesman, and patriot Prince. From that refined, though remote source, also flows the inestimable blessing, which Irishmen now enjoy in an acknowledged legal participation of the British Constitution. Yet this communion of legal maxims and legislative privilege will be incomplete and uncertain, if the seat of education for Law Students be not exclusively and irrevocably fixed in London. Modern King's Inns innovation, equally hostile to existing Law or permanent imperial Union, exhibits a prominent political vice in presuming to deviate from that salutary plan.

The reader must again revert to the state of Ireland and the situation of this capital in the sixteenth century, or he will not sufficiently appreciate the value of the Royal grant, and its professional convenience. A sacerdotal annalist has been censured for sarcastic exaggeration, when he affirmed Dublin to swarm with friars, as Egypt in plague time did with frogs; but no offence can be given to the friends of decency or truth by representing the clerical body as greater in number than the merchants then resident in the Irish Metropolis. If the honest
pride

pride of patriotism feels humbled at this infant appearance of Irish trade, the legal establishment at least bore a proportionable scale to the comparative size of each kingdom, and was greatly superior to any such fixture in Scotland.

In that ancient and warlike country, its enlightened inhabitants did not at that period attain as extensive a professional settlement nor a judicial system equally correct. The Court of Session was but recently constituted upon the model of the Parisian Parliament, and had not been practically or politically purified to that perfection of legal symmetry and judgment which gives it at this moment an high and merited character among the judicial institutions of mankind. But as Criminal Justice is necessary to preserve and perpetuate the blessings of property, the Scots Court of Justiciary favoured at that time too much of feudal barbarism, to second Royal duty, by an impartial and vigorous execution of Law; nor was the Sovereign constitutionally enabled to dispense equal protection to the great body of his people.

Ample amends have, however, been made, for original defects by national wisdom and the professional exertions of Scots advocates. No legal body in Europe has produced a greater number of enlarged and elaborate works, though an attentive and impartial perusal must make an English or Irish Lawyer feel and lament, that the Scots code is not entirely uninfected with maxims of feudal vassalage
or

or imperial despotism. Yet the genius of that people and their eminence in arts or arms, have not (at least since the Union under Queen Anne) thereby felt any material injury or depression. Such is the natural effect upon a wise or warlike race of settled national independence, or an equal and acknowledged incorporation.

Ireland, from a similar temper in its inhabitants, must have made a proportioned progress; but a Government alternately feeble or tyrannical, constantly bent under the pressure of corruption, servitude, or independence, and presented to the inhabitants a premium for partial support, without dispensing correspondent encouragement to legal integrity, liberal policy, or persevering patriotism: thus, the vices of the people flowed from a barbarism in Government, and became responsive thereto. These principles forcibly illustrate the reigns of the Tudors, and prevent such an heroic race from exhibiting the full lustre of their character in the History of Ireland, whilst a feebler line of succeeding Princes merely manifested craft and courage sufficient to involve Irish degradation with their own.

Meantime our oppressed countrymen were only enabled to use, understand, and explain the genuine spirit of English Law from the accession of King William, or have such exercise acknowledged and upheld by surrounding fellow subjects in the reign of our present amiable and excellent Sovereign. Under the influence of such hereditary mal-practice,
the

the reigns of Edward VI. and his sister Mary, equally display a total disregard to English Law in Ireland ; and prove, that religious tenets were circulated from a passion for property, with an appetite for plunder, whilst hypocrisy concealed its pretences under malignant zeal, and upheld among trampled peasants or selfish adventurers the unintelligible jargon of sectarian disputes, by the permanent tenure of property and power which hung thereon.

The firmness of Henry's character in Ireland appears evident by the general and instant revolt which threatened the dawn of a Minor's reign. Elective chiefs of Milesian race were seduced or awed by Henry to accept the descendible rank of nobility, whereby paternal feelings superseded family pride, and a power derived from Brehon law or native customs was wisely directed to its complete subversion. Such also was the progressive strength of that principle, that the government of the young Prince, aided by those interested nobles, quickly enforced a general obedience. It also assumed a legal position, highly meriting notice in an history of this kind, and which partook alike of the policy and justice of English Law. The Privy Council or Superior Courts encouraged the complaints, and redressed the grievances of dependant Irish septs. This sagacious system rent asunder the link of Milesian union, and enlisted, at no expence, inveterate enemies to its continuance : persons acquainted with the habits, prejudices, and language of the inferior classes, were thereby interested to exercise all such influence in
exploding

exploding customs variant from, or hostile to, the Common Law.

Had preceding Monarchs adopted a similar system and sustained the practice with good faith or humanity, Ireland would be completely connected with England under the Plantagenets, and an uniformity in religion, strengthen the legal union of both islands at the reformation. A weakness and vice, similar to that of Milesian manners, resulted from the power given to Strongbownian chiefs, who, upon a change in the religious system, trembled for their landed property, or the continuance of political rank, and therefore opposed the legal establishment with determined firmness, or separated therefrom with contemptuous disdain.

One scene in Edward's reign confirms the preceding remarks: the Lord Treasurer, Desmond, refused to attend the government in Dublin, and the Viceroy was obliged to invade his territories, and arrest his person. The applause which attended this successful enterprise, equally exhibits the power of that feudal chief, and the weakness of Government, with its uncertain reliance upon surrounding Palatines. The event also corresponded; for that nobleman was rather soothed than punished, and remitted to his principality in full possession of office. Thus, as in later times, the legal constitution of Ireland was trifled with, and an high judicial character permitted to counteract, by opposition or absence,

fence, the duties of an important and laborious station.

Religious disputes did not, during this reign, enforce any material variation from existing Law, or much inflame the civil disorders of the country; but a new Sovereign assumed the sceptre, whose personal honor and presumed education clashed with Edward's religious creed. Her zeal also, was likely to be inflamed by priestly self-interest, and the manners of a bigoted husband. Property, however, remained confirmed and secure amid the alarming mutations in Religion, Policy, and Law; even the King's Inns grant held its destined station, though an order of friars, remarkably numerous and learned, had previously enjoyed that site. This decision of a crafty Pontiff and popish Queen, forms a leading precedent to sanctify property in future times; besides, power resulting from landed estates bears no resemblance in the present age to the feudal æra. A numerous, enlightened, and independent population, feels uninfluenced by the degrading trammels of vassalage or villenage. The landlords of the British Empire (thank Heaven!) can no longer lead obsequious tools to resist a just Prince, or bury legal freedom in a military grave.

Opposite principles have been inculcated by self-interest or fear, but upon proper reflexion melt under the purifying union of historic experience and existing policy. The landed proprietors form a few respectable individuals, whose power instantly ceases
on

on confiscation, and the return of which property to such persons or their descendants, is neither felt nor desired by the community. Villenage or domestic servitude so far degraded or perverted human understanding as to make its wretched instruments the devoted adherents of outlawed rebels or revolutionary insurgents. But the present state of society has corrected that flagrant mischief, and Ireland contains a farming body more capable or inclined to assume the position of feudal inheritors by purchase, than to second the crimes or ambition of men, who have commuted the possessory rights of ground for a stipendiary income.

Even under the reign of Mary, and a comparative dawn of professional, commercial, and manufacturing skill, to its complete present establishment, the preceding principles were acknowledged and understood. The property of suppressed monasteries was not divested from the new grantees, nor the heirs of original founders selected or discovered to assert a legal claim, barred only by legislative innovation. Papal wisdom was regulated in this remote island by unaltered maxims of policy. He craftily confirmed the change of Mary's title to Queen of Ireland, but a semblance of feudalism marked Church property, which was not superseded by religious zeal. Thus, whilst the mass of mankind acted from a sincere but impolitic spirit, clerical guides were generally influenced by vanity or self-interest.

Persecution

Persecution flowed from these fatal springs, and over-ruled in Mary the humane sensations of her sex, or the dignified feelings which directed an artless address to an English Chief Justice. Her system of Irish policy did not, however, in other respects, vary from her predecessor.—Milesian chiefs felt no asylum for their property in a profession of the Roman Catholic faith, and the standard of Government was fixed in their soil with persevering success, when Providence gave to the British Empire an illustrious Sovereign, who resembled Mary only in similitude of sex.

The name of Elizabeth shall not, however, be profaned by an hasty or imperfect sketch. Though legal materials occur in that reign, of most extensive import, and in uncommon variety, the leading maxim of her long and glorious Government was to enforce with steady aim, and persevering counsels, every measure which tended to extend or confirm a complete model of the English Constitution, with the full benefit of its common Law in this island. The King's Inns Society was attended to as an arrangement ancillary to that important end; a new term of twenty-one years was granted, and a further lease of forty-one years, to commence on the expiration of the former. The Statute regulating the education of Irish Students at English Inns of Court, was also re-enacted, and rendered perpetual. Elizabeth's opinion is thus united with Henry as to the usefulness of the entire system.

The reader may conceive a situation granted to a great national establishment, which was not even shook by the convulsions of a Protectorate, or revoked during the reign of that bigoted Papist, Mary, would be secure from solicitation under the politic and Protestant Elizabeth—no such thing; the singular attempt therefore merits notice, not more from its necessary connexion with this History, than as it forcibly illustrates the courtly genius of that age.

The Earl of Ormond obtained a grant, plausibly including the legal site with all its appendages; and apparently sensible of the fraud, that nobleman immediately assigns such title for valuable consideration to a third person. Deep foundation was thus laid, and in the most secret manner, for future litigation and doubt: personal indolence began to yield to activity, and the genius of Commerce reared its head on the ruins of superstition. The value of the Lifey's northern bank became visible, and the King's Inns ground extended nearly from Essex-bridge to the western extremity on both sides of the river, the strand of which at that time approached the same end of Bachelor's-walk. The subsisting grant prevented an immediate disturbance from Ormond or his assignee. This necessary intermission only paved the way for an interference equally alarming, and more powerful, which also became uncommonly dangerous, from assuming the garb of public interest.

The

The Lord Deputy affected to enlarge the ordonnance establishment within the Castle, and fix granaries for corn to supply the city and support the garrison at the King's Inns. This pretence blended charity with policy, and seconded military strength by popular clamour: attractions, it was therefore imagined, sufficiently strong to seduce the legal body into acquiescence, or justify their removal with national approbation: nor were they to be plundered in a new settlement without enjoying a similar position extorted from a more ancient and venerable body. The Cathedral of St. Patrick was to be converted into a Temple of Legal Justice, and the Superior Courts held therein, whilst the Prebendal and Canonry-houses would form suitable residences for the Judges and Lawyers.

I will answer for it, that a similar scheme does not mark the ministerial movements or legal History of Great Britain. But an Irish Deputy could not be deterred by antiquity or sanctity from interested innovation, for the reader must understand, and will readily believe, that the outlying portions of the friary or cathedral property was to remain for disposal, and would form an improveable douceur in the family of the Chief Governor or some subordinate ministerial minion.—The legal body were in an hereditary habit of maintaining themselves, and a granary of corn required no food. Fortunately for the character of our country, and the preservation of a suitable cathedral establishment in the Metropolis, a Prelate presided over that Church and the Law, ani-

mated with vigour of mind sufficient to resist the illegal and irreligious transfer, and favoured with the Sovereign's confidence so far, as to crown the honest endeavour with becoming success.

Tyranny seldom listens to the suggestions of good sense: this unseemly scheme was not therefore smothered on this side of the water—repeated refusals were necessary on the part of Elizabeth: the first suggestion was, that Dublin did not require two cathedrals, St. Patrick and Christ Church. This seemed fully answered by observing, that the see of London superintended under similar circumstances St. Paul's and Westminster, and that there existed a stronger necessity for securing an able and independent Protestant priesthood in Dublin than London. At all events, the addition of Christ Church cathedral was warranted by the wisdom of Henry VIII. the founder, and Elizabeth who established the collegiate church of Westminster for a similar purpose. Beaten from this ground, the Deputy stated, that the Archbishop had a second cathedral, named Glendeloch, that was a separate see, which had no reference to the progress of the Protestant religion in Dublin, nor just resemblance to the ecclesiastical establishments united under the see of London. There was, however, a pleasant malignity in the latter suggestion, which almost atones for the fraud. The schemer of dishonesty, or its avowed abettor, honors a public spirited opponent with an hatred equal to what animates unprovoked enemies. Had the Chief Governor obtained an order from
the

the Queen to enforce a visitation of Glende Loch by Loftus, official malignity would be sated with successful cunning and murderous revenge.

This singular town lies but twenty miles from Dublin, and was for better than a century nominally annexed to the see of Dublin. The district was not at that time reduced to a regular connexion with the pale, yet during the sole influence of the Roman Catholic religion, the Prelate of Dublin might safely officiate or exercise episcopal authority therein; for though the Byrnes and Toolles ruled over one territory, and the Plantagenets or Tudors reigned in the other, sacerdotal influence, by an uniformity of ecclesiastical sentiment, equally governed both. This communion of friendship ceased on the reformation, and with all the virulence of religious dissension. A Protestant Prelate must therefore close the ceremony of consecration by preparation for martyrdom, and slumber with St. Kevin in his stony couch. Loftus wisely conceived, that the interest of religion was sufficiently protected by official activity, without an unnecessary sacrifice of life. Under such influence he resigned Armagh, and accepted the inferior See of Dublin. Professional habit protected this manly churchman from precipitate personal outrage, whereby practised legal talents were at least an equal match for the Deputy or his secret advisers.

Glende Loch was at that period equally protected from a Protestant visitation or Vice Regal tour by
impenetrable

impenetrable fastnesses and forests, whence hardy Kernes would issue to assail with hereditary courage, persons whom they considered, no matter how unjustly, alike enemies to Ireland, and persecutors of their religion. This obstinate Chief Governor should feel the force of the preceding sentiment, from the disaster which befel Lord Grey in a similar attempt, whose guilty imprudence sacrificed the flower of a gallant army in that new, but dangerous warfare.

The legal body, thus protected, continued a collegiate connexion for 165 years in their established residence, and were enabled to enjoy the privilege of every private spendthrift—a disposal of its entire outlying inheritance. A conclusive bar finally arose from what, in any other country, must ensure their re-establishment—an erection of New Four Courts on the ancient site, and a revived income in the Society from parliamentary taxes and personal assessments. By this deep planned mismanagement the King's Inns Society having escaped the Poddle's muddy stream, seems fixed by architecture almost as permanent as their tenure on Braidoge's salubrious banks.

Let us now transiently enquire, whether the preceding attack upon the profession at head quarters, was not almost equalled by the impolitic tyranny of the same Lord Deputy in its separate detachments and rural cantonments.

Provincial Presidencies may have a momentary necessity and permanent use, whilst confined to military

litary duty or subordinate exertions. When civil power was superadded, despotism extended the misery of a rebellious period to seasons of peace; obedient industry, whose independence should be fostered, withered under this double pressure—for patronage, the bane of Hibernian comfort, influenced most Chief Governors to deceive their Sovereigns, and libel or plunder this ill-fated land. Under this impression, the established and unimpeached legal Practicers of Munster were to be superseded by two imported Attornies from Wales. Such instructors were to form the rising generation for this singular union, and the venerable legal system of England must be thereby, among Irishmen, moulded into a subservient resemblance with the newfangled Sessions of Wales.

Whilst these criminal and ill-considered innovations were to be upheld in the Provinces by Vice Regal influence and Martial Law, an unexampled position was solicited for the Deputy's judicial mission in the capital. Such man was to be not only Chief Justice of her Majesty's Bench, but an overseer of the rest of the Courts, to bring them to better order; for that dignified libeller suggested, that the Law was out of course there, and divers of the Judges, Lawyers, and Officers corrupt, especially in religion. The crafty Deputy admits, that such as were members of the Privy Council were honest and good, thus blending cautious flattery to a class who may successfully oppose him, with general slander against private or unprotected persons, but he wished

wished to know this from a professional person, profound in learning, and free from partiality; therefore he prayed that his friend may be sent over, as a man possessed of these great qualifications, and no doubt intitled to the character by the unerring certificate of an illiterate statesman.

The wholesome regulations of the virtuous Suffex and enlightened Sidney, could not please this petty meddling politician, who appears barely to possess ingenuity and ardent zeale to overturn legal systems, without any talent to reform incidental mischiefs, or to substitute useful plans in their place. As the genius of tyranny can equally disgrace every species of Government, though in none, thank Heaven! will its active energy or permanent establishment meet less encouragement than under the English legal system, we trace in the conduct of this ferocious and corrupt hypocrite, an innovating model for Cromwell's successful enterprise, and the defeated projects of cotemporary criminals.

The reader has seen the eminence which the legal body attained on the grand epoch of religious reformation, by the names alike respectable for learning and descent, who then filled the chief judicial offices in Ireland. Nor can we doubt that a suitable number of similar character graced the private walks of the Bar. The generality of Irish Chief Governors quickly imbibed local malpractice, and seemed absolved from legal restraints, whilst arbitrary authority was incessantly exercised
to

to undermine the property, and harrafs the persons of honest and loyal subjects. The manners and policy of modern Viceroys form such a complete contrast to the vicious schemes of predecessors, as to render historic evidence necessary to support the former reflexions.

When an Irish Cabinet thus daringly designed to deceive the great Elizabeth and her sagacious Ministers, the reader will perceive the gross mis-information which was directed to the weaker Sovereigns of our Empire. By this fatal indulgence, the misgovernment of Ireland became hereditary, and a misshapen system of Law added the corrosion of tyrannic authority to the sanctified cruelty of religious feuds, and the sanguinary exertions of military contests. English Ministers, who determined to knit both islands in a natural and indissoluble union, were constrained to exercise political wisdom, not in seconding the views of an Irish Cabinet, but in separating, with proper precision, between such parts as flowed from public feeling, and what was the suggestion of interested virulence or party design.

Fortunately for the permanent prosperity of both kingdoms, the Cabinet of England, during the glorious reign of our Virgin Queen, was guided by men of cool judgment, deeply versed in the laws of the realm, and who well knew to bottom expedient alterations upon useful and ancient foundations; that busy period required such a complete union of legal learning and state talent.

Religious

Religious opinions contributed to loosen the political relations of society, by which means Government was doomed to struggle with the double current of exploded superstition and growing fanaticism. This task required rare and delicate management, as it was deeply connected with clerical self-interest, and the wildest emotions of human vanity. To crown the crisis with superadded danger, the wealth of a new hemisphere was exhausted to second a gloomy tyrant in schemes of conversion or conquest: the Continent afforded no natural ally, except in the ardent, but feeble zeal of revolted subjects—an experiment of equivocal benefit, as it encouraged and justified similar exertions in a fierce and unforgiving foe.

Ireland presented that vulnerable part, and the continued maladies of misgovernment during preceding periods confirmed the new arisen mischiefs of that day. Popular virtue and vice is generally responsive to the conduct of existing Government, or forms part of its inheritance. This was Elizabeth's calamity, but her courage and judgment extracted from apparent ruin, personal glory and national strength: thus, her long life was fully occupied in a suppression of intestine war, and affords few further materials for legal observation or criticism. Religious zeal created and confirmed an union among rebels: foreign powers lent them aid, and the moment seemed to approach, which was to extinguish, or establish our present Language, Religion, and Law. During this affecting struggle, civil suits were lessened,
the

the practice necessarily narrowed, and a military spirit pervaded the land.

Professional skill did not, however, sink under that lengthened mischief; legal ranks had been sufficiently recruited to form a respectable corps on the death of Elizabeth. The internal state of Ireland forbade the exertions of that great Princess from attaining an immediate success equal to her wisdom: her heroic temper still stood unbroken and undeterred, which at last enabled her to crush domestic rebellion, and at the same time give to insurrection affecting a malignant enemy, successful effect.

Irish History entitles Elizabeth to this unfading memorial, "that the entire island was bent to legal obedience by such exertions:" the foundation of a general settlement established commensurate with the national extent, and a legal protection proffered to the people through all their ranks. Historic criticism may detect in that useful pursuit, particular oppression, but such painful instances must be forgiven or forgot in the solid foundations thereby laid for the improved Constitution, commercial extent, and established power, which at this moment exhibits the British Empire as a political mirror to an awestruck world.

The preceding concise account may probably convince dispassionate readers that Irish Inhabitants of every descent thoroughly understood, and properly appreciated the legal system of England. Its
full

full enjoyment was the best pledge for personal loyalty and general peace.

Amid every shifting, to which ambition, avarice, or religion could seduce Irishmen, the English Constitution was the rallying point.—A claim to its full enjoyment covered, at most disastrous periods, the concealed schemes of superstition or tyranny. To enforce the preceding position, and give the system ancient and authentic strength, I have attempted to elucidate the Laws of Ireland, as exercised by custom, regulated by Parliament, or distributed by its professors. Did a trifling compilation merit illustration from History, Statutes, or Records, I could fortify the purity and perfection of preceding principles by legal quotations which would swell to a folio. Enough, however, has been written upon a subject no longer the subject of state management or political controversy, but which required a transient review in an History of the Legal Body.

The palm of legislation, like the cap of conquest, cannot be wrested from Elizabeth or her wise and successful Viceroys: compare the enlightened and heroic placemen of her time with their corrupt successors, and it will thence appear, that firmness in proper legal practice, tends to give the system perpetuity and effect.

END OF PART I.

PART

2/11

PART II.

FROM THE ACCESSION
OF
JAMES I.
TO THE DEATH OF
LORD CHANCELLOR BOWES,
IN 1767.

Non ut aliquid novi attulerim, sed ut ea quæ in infinito penè occurrunt, sub uno aspectu ponerentur.

Cic. De Pete. Cons :

Innovations in Law and consequently in Government, creep in like heresies in Religion, slyly and slowly; pleading in the end, a sawcy and usurped legitimacy, by uncontrouled prescription.

Audley Mervyn's Speech on the impeachment
of Lord Chanc. Bolton.

THE accession of James I. was marked by peculiar blessings suited to a timid, peaceful temper: external security and internal strength had been confirmed through England and Ireland by his wife and warlike predecessor. Such influence even enabled him to counteract the Religion and Constitution of Scotland, which, in James's opinion, too strongly fancied the independence of the subject. The founder

der of each preceding line won a doubtful sceptre amid the thunder of battle, and obtained a kingdom rent by intestine faction and civil war, in which a powerful party for a long period looked to revenge and resettlement. Sound policy and cool courage were continually exercised to counteract such severe alarms, but James was completely destitute of these eminent qualities so necessary to support or adorn a Throne. His powerful situation supplied the defect, and enabled him to indulge exertions more correspondent to his genius, the management of scholastic disputes and political innovation. The English code could not meet in such a man a sincere or determined defender, his reign is therefore marked by practical hostility to its letter and spirit.

Ireland lay more exposed to these attacks, from habitual misinterpretation of Law, and the great weight of property which by extensive treason became vested in the Crown. A confiscation of the northern counties presented a new and unexampled precedent, which a perfect knowledge of English Law, unsupported by the corruption of Irish practice, would disable an honest man from carrying into effect. Thus, the election of an Irish Chieftain was not allowed to have any weight in Irish Courts against the descendible quality of fee simple estates, yet the treason of such leader was considered conclusive proof of a right sufficient to defeat all derivative interests, and vest the same without further inquiry in the Crown; living within a rebellious district was held evidence strong enough to constitute

constitute the guilt of treason against the party so circumstanced, and enforce from him proof of active loyalty. Being slain in battle or executed, *flagrante bello*, was deemed rebellion, and constituted an immediate attainder, in which instance, the heir was irrevocably bound, and could not successfully support his right by shewing that his ancestor acted under compulsion, or suffered by martial law. The preceding practices are anomalous to common Law, and were, however, enforced by the tyranny of Government, and the corruption of Irish Judges.

The boundaries and claims of church lands and monasterial possessions also afforded an extensive field for litigation and doubt: add to these, the deceptions and contradictory grants of the Crown, with the artful and fraudulent claims of existing and reversionary assignees; such a legal state scarce needed the additional abuse of that ancient prerogative of the English Crown, which presumes all landed property to flow from that fountain, and throws (when demanded) the necessity of shewing a title on the possessor. The preceding legal harvest afforded ample room for professional discussion, in arranging the struggling rites of complaining natives, unprincipled courtiers, and designing adventurers.

Such was the actual situation of Ireland on, or shortly after, the death of Elizabeth. It undoubtedly forms the undisputed glory of her successor, that he firmly determined to reduce this political chaos to a regular settlement, and Providence permitted

mitted him to see those humane and public spirited endeavours crowned with complete success. In furtherance of this great design, James seated on the Irish Bench men alike eminent for talents and integrity: Law Servants of the Crown bore a similar character: Barristers and Attornies also exhibited, in suitable proportion, a body of Practicers distinguished for family descent, personal character, and extensive learning.

The Deputy or Privy Council were wisely disabled from privileging persons unsuitably educated to exercise the legal profession, an usurpation incessantly attempted in Ireland, until put down by Statute Law, and which has required authority to controul in more modern times through the foreign governments of our extensive empire. The certificate of an English Inn of Court was the sole guide to Irish Judges, who, like their English brethren, must be bound to uphold the Common and Statute Law of both realms, and govern official conduct by technical rules and constitutional construction.

A voluntary association subversive of these settled principles could not be binding upon the contracting parties, much less posterity, even though entered into with unanimous consent. Irish common Lawyers, whether in office or unconnected with the State, profited by a subordinate union, and sustained professional connexion without prescriptive immemorial authority, or an enactment of modern Law. In whatever manner the concealed design
may

may differ from the ostensible motive, it was a politic act in Government to countenance the establishment, and coalesce therewith. Influence may thus effect, what precipitate interference could never establish.

An original document of this entire transaction has escaped the hand of time, which record enables us to authenticate, that, in the year 1607, the Lord Deputy, Sir Arthur Chichester, enrolled himself a member of the King's Inns at the request of the Judges and Practicers, and thereby encouraged the re-establishment of that Society, among its ancient members, by Vice Regal rank and authority. The entry merits insertion, as it explains the intrinsic state of the Society, whose members, previous thereto, re-assumed an united position without any authority to make it co-extensive with either profession, but the rank and influence of such a member may finally and successfully effect that desirable object. For this salutary purpose, a previous meeting of the legal body was undoubtedly held, and an address or petition presented on that head to the Deputy. The forward framer of this singular composition found no precedent in the English Inns of Court; he yet prepared an entry palatable to Sir Arthur Chichester, the courtly style of which survived the mutation of language, and even the final abeyance of the Society.

“Prænobilis Vir, Arthurus Chichester miles, Dominus Deputatus & Gubernator Generalis hujus

F

Regni

Regni Hiberniæ, ad humilem petitionem justiciari-
orum & aliorum jurisperitorum, Decimo Octavo die
Junii, ano illustrissimi Regis Jacobi, Dei Gratia,
Regni sui Angliæ, Franciæ, & Hiberniæ, quinto,
& Scotiæ quadragesimo, dignatur se inter focios hu-
jus hospitii Regis Dublinii enumerari.

No pecuniary bounty accompanied that solemn
act, nor even an immediate enlargement of the sub-
sisting Royal grant.—No attempt to create or recog-
nise a corporate right, still less to make the Society
a theatre of introductory study, or to arm existing bre-
thren, either on the Bench or at the Bar, with an
immediate or arbitrary authority over the admission
of Barristers or practice of Attornies.

The object and intent of this revival is not subject
to mistake or misrepresentation: it was bottomed on
the principle of all voluntary associations among
wise and honest men, public interest, and personal
convenience.

The reader shall have a faithful copy of the ori-
ginal entry. “Imprimis—it is ordered, that foras-
much as the present restauration of the Society of
the King’s Inne doth require an admission of the
Practisers, Officers, Attorneys, and others of the
several Courts, whose auncientye is not yet suffi-
ciently known; it is therefore this day ordered, that
the admittances shall be received and entered in the
Book of Admittances, as they shall appear and
desire the same; yet, notwithstanding, that each of
the

the several Practicers at Law, Officers, Attornies, and others, shall enjoy the precedence of their antiquity, their several admittances in the said book notwithstanding." The Lord Deputy had signed the book for himself, the Chief Judges, and Master of the Rolls, on the eighteenth day of June. The Puisne Judges were admitted on the twenty-first, several Barristers on the twenty-second, and the above rule was entered at the first Council, which was held on the twenty-fourth day of June. Several Barristers and Attornies joined the Association on that day, without any distinction of internal authority, save professional precedence. No forming members of a law club, in modern times, have assumed a more mild, and therefore dignified independence of gentlemanly connexion. The Society was thus rendered so liberal and respectable, as scarce to need the aid of self-interest to encourage or enforce its adoption.

Be it also remembered, that the Judges, Barristers, and Attornies of that day, were as respectable for legal talent, family descent, or personal honor, as the Rolls of the Society can exhibit at any subsequent period. Such persons were equally indisposed to assume illegal and unbecoming authority, or to brook to usurpation and despotism: they would shudder at any abuse variant from the liberal principles and correct integrity of English Inns of Court. Such sentiments uniformly guided the leading members during James's reign in every instance save one, in which Government disgraced itself by a corrupt

and tyrannical influence. After some minute orders relative to repairing the Hall, and purchasing furniture, wood, and coal, the attending members elected Baron Ellyot, Treasurer, and Mr. Jacob Newman, a Six Clerk in Chancery, and Deputy Master of the Rolls, Under Treasurer, each to remain until further orders.

The next meeting was on the 10th day of November, 1607, when these Officers had not been a full Term in office, therefore the attending members ordered, "that the Treasurer before appointed shall continue his place, and the Sub-treasurer also, for one whole year more." Thus early an intent appears to uphold an annual election, and imitate the English Inns of Court, in a close superintendence of these Officers, by adding, "that the Treasurer shall receive the admittances, fines, and forfeitures, as shall accrue in that time to the use of the house, to be disbursed by him by special warrant, and not otherwise."

"It is ordered, that there shall be a Pensioner chosen yearly each Michaelmas Term, of the Apprentices of the Bar, and if any shall refuse the acceptance of that place, for the behoof of the house, he so refusing to be fined at the discretion of the house."

"It is ordered, that Mr. Christopher Lynch be the Pensioner for this year, and that he shall receive of each one of the Society of this house, twelve pence

pence sterling each Term, for his pension each Term, the same to be disposed of by the appointment of the house to the payment of the Officers wages, and other necessary uses."

The preceding rules, with the appointment of a Steward, conclude the Second Council or meeting of the members. Hitherto we see that every member of either profession was permitted to enroll his name, which was a matter of real benefit in the accommodation of Commons and Chambers. An unsolicited and uncontested rank accompanied age and station: this elevation needed no rule among men of education or honor, and was secured to venerable or dignified persons by their affable and unassuming manners.

The imitation of an English Inn of Court is visible by an appointment of Officers to an unnecessary number;—there was a Treasurer and under Treasurer, for such have been time immemorial in England; a Pensioner also must be chosen from a similar cause. No emolument attended the former situation, but as the collection of termly pensions or other assessments must be troublesome, a fine was thought requisite to enforce acceptance, a measure so frequently resorted to by private clubs, and unlikely to create a suspicion or alarm among gentlemen.

Upon the 24th day of June, 1608, another meeting or council was held, in which salaries are fixed
for

for the servants of the house, with other petty regulations, and then the following order as to Commons: "It is ordered, that the Commons at the Bench table shall be seven shillings each week, the Bar, and Gentlemen of the Society, five shillings sterling, the Clerks three shillings sterling each week, and so to continue until further order shall be taken therein at some other Council."

The preceding order will excuse a few remarks, the price at each table appears ample according to the rate of provisions, for wine was not included, the price of which appears, by subsequent accounts, to be, claret six-pence, different kinds of white wine six-pence a quart, and sack one shilling a quart. West India trade did not then exist, and the civil wars of France forbid the introduction of brandy, at least in any considerable quantity. There was a brew-house attached to the Inns, which supplied that native liquor. No entry, however, shews, whether home-made spirits graced the convivial board.

The reader must notice, that two of the preceding tables were laid for the Bench, Bar, and Gentlemen of the Society; by the latter, undoubtedly Attornies were meant. At that period no quantum of property warranted the usurpation of an Esquire's title; the College of Arms, or that lively instrument of tyranny, the Star Chamber in England, or Castle Chamber in Ireland, would interfere, and punish the presumption of vanity in its peccant part by personal degradation and public disgrace; the
Rolls

Rolls of Parliament and its Journals thus adhere to the established rule; appropriate additions accompany each name, and as the rank of Esquire has from time immemorial been legally attached to the Barrister, it does not merely support the estimation in which that profession was held, but justifies the observation of honest Fortescue, who affirms, "that Inns of Court were crowded with the sons of Noblemen and Knights, and such were in legal acceptance either born Esquires, or entitled to claim that state and degree."

The preceding observations warrant me to think, that Attornies formed an integral part of the King's Inns Society, and were not pressed into the groupe for purposes of taxation or servitude.

We find persons at a future period taxed for a parlour or retiring room for themselves, the Bar, and the Judges. A Mr. John Cheevers, an Attorney, of ancient and honorable family, filled the office of Treasurer, and succeeded a Chief Justice of the King's Bench in that situation. The Officers of the several Courts, many of whom appear to be Attornies, were among its earliest members, and such have been elected Benchers in the subsequent century, whether Barristers or not. No argument can be drawn from the practice of English Inns, if Attornies, in such Societies, form no permanent part of the body, neither do Benchers affect to govern them, or regulate their practice. With what astonishment then, must an Englishman hear of this assumed

sumed power over Irish Attornies! the innovation is indefensible upon any possible ground, unwarranted by precedent, unsupported by legal principle, and pregnant with obvious and extensive evils.

It is the interest of the suitor, and in that respect of the community, to sever any criminal complaisance which accident may produce between Barristers and Attornies. Unlimited and concealed power, exercised with fanciful and unsworn discretion, must engender either servility or resistance; if the latter exertion be hopeless, the former vice will prevail. Far different is the constitutional authority of the Judges over that body: it resembles their delegated power over all his Majesty's subjects, and must be exercised in a solemn, public, judicial manner, where the party is empowered to vindicate or explain his conduct, which, when completely proved, silences the whisper of private friendship, or any reference to personal character; besides, the decision forms a fixed juridical memorial, open to the observance of a learned profession, and the review of either House of Parliament. When the same person acts as a Barrister and Attorney, there is no proper check upon the delay, misconduct, or expence of legal business. An infant or narrow society may tolerate the practice, but when the extent or prosperity of a state emerges from that early and confined sphere, an adherence to the system becomes a public curse.

Ancient and modern states recognise this principle, and England, with that integrity and wisdom characteristic

teristic of its inhabitants, has confirmed it by ancient usage, and unaltered adherence. Each class is separated by distinct marks, and the community feels a security in legal practice, equal to what upholds monarchy, aristocracy, or representative freedom.

But if the Irish variation must continue, how degraded the state of Attornies! They have not a single member from their body among the Benchers. Extreme servitude is thus described under the British Constitution, and must be fully merited by such fellow subjects as would patiently submit to it. Connected as the Attornies are with the Bar by the ties of business, blood, and friendship, a separation of the preceding kind adds a cruel and envenomed sting to the illegal dominion, as if a baseness accompanied the exercise of that profession, which no gentlemanly intercourse could cure.

The founders or restorers of the King's Inns acted with more dignity and wisdom; as such, they did not interfere with the management of apprentices, nor affect to regulate the practice of Attornies. If there was a difference from the English system in the coalition of both professions, the approach was mutual, manly, and liberal; the door of the King's Inns was opened at the time, and in the manner which agreed with the admission of Barristers. Apprentices were left to the accustomed instruction, and Students consigned with equal wisdom and patriotism to the English Inns of Court.

Clerks were a subordinate legal body, which existed under the Judges and leading Barristers. Laborious

borious research and extensive professional learning marked the judicial and barristerial body under the reigns of the Tudors and the Stewarts; their youthful assistants therefore improved by the dignified connexion, which was also considered an useful preparation to young men of excellent education, and undoubted gentility. The practice continued even in Ireland through that century. Thus; we find, that Denis Daly had been in early life a Clerk to his uncle, the famous Patrick Darcy; and Mr. Daly, animated by such example, afterwards became a most able Lawyer, and distinguished Judge. We also find, in Cromwell's time, that a similar order was made, to permit the six senior Barristers Clerks to dine with the Judges Clerks in the Hall.

But in the neighbouring kingdom, this species of legal assistant was permanent and universal. The great Earl of Cork tells us, that he had been Clerk to Chief Baron Manwood; the regicide Cooke affirms, that he was employed in a similar manner by Mr. Brickendon; and we know, that the virtuous and immortal Somers was Clerk to Sir Francis Winnington. Having fixed the legal tribe in regular array at their different tables, I must solicit the reader's patience in preparing Chambers, or faithfully describing those which they once possessed.

A Council was held on the twentieth day of June, 1609, in which the following order, relative thereto, was made: "It was this day by the Judges, and the whole Bench, and likewise assented to by the Bar, that the chambers in the King's Inns shall be divided in the manner following."

The

The mode of King's Inns meeting, upon solemn occasions, is ascertained by that early precedent, which also recognises a right in the legal body at large to dispose of its property. The *whole* Bench means persons who were not Judges, nor yet practitioners; such was the Deputy, the Master of the Rolls; Sir John Everard, and Mr. Sedgrave, who had been Justices, but did not resume legal practice; Sir Richard Shea, an ancient and respectable Lawyer, who died in the succeeding year; Sir Richard Aylward, who had been Second Justice of Munster, which station he quitted without returning to the Bar; besides the Officers of Superior Courts. None of these were regularly elected Benchers, though matters of much less importance occupy the Black Book than an appointment of that sort. The probable reason of the change will engage our subsequent discussion. The chambers were, however, divided in the following manner:

“ Sir Humphry Wynche, Knight, Serjeant at Law, and Lord Chief Justice of the King's Bench within the realm of Ireland, was this day admitted into that chamber, which lately did belong to Sir James Ley, Knight, sometimes known to be the Justice Bathe's chamber.”

“ Sir Nicholas Walshe, Knight, Lord Chief Justice of his Highness's Court of Common Pleas within the realm of Ireland, was this day admitted into that chamber which of late was enjoyed by Sir Robert

Robert Dillon, Knight, some time Chief Justice of that Court.”

“ Sir John Denham, Knight, Serjeant at Law, and Lord Chief Baron of his Majesty’s Court of Exchequer in the realm of Ireland, was this day admitted into that chamber which of late did belong to Sir John Ellyot, Knight, one of the Barons of said Court.”

The reader will necessarily take notice, with what becoming accuracy the preceding additions are entered. The Chief Justice of the King’s Bench, and Chief Baron, were Englishmen, and had been called to the state and rank of Serjeants in that country; but Sir Nicholas Walshe was an Irishman, and though he passed through the profession with eminent integrity and applause, did not attain the rank of Serjeant, no legal degree having ever been conferred in Ireland, nor any establishment for elementary education thought consonant with loyalty.

“ Christopher Sibthorpe, Esq. one of the Judges of the King’s Bench, is admitted into the west end of that place where the Chancery was lately kept, sometimes known to be the Fryers Hall, his chamber being a fourth part of that room.”

“ William Talbot, and Henry Nugent, Esqrs. learned in the Laws, were this day admitted in another fourth part of that room which lyeth in the east end of the Fryers Hall.”

“ Patrick

“ Patrick Sedgrave, Esq. is admitted to a fourth part of the dormitory next unto Sir John Ellyot, and a companion to be assigned to him such as the Bench shall appoint, who is to contribute to the charges of the building.”

“ John Meade, and Thomas Doyle, Esqrs. are admitted into another fourth part of that room of the dormitory next to Sir John Davies, Knight, his Majesty's Attorney General.”

“ Sir John Ellyot, Knight, one of the Barons of the Exchequer, his sons Thomas and Henry Ellyot being of this Society, and the first that began to build his chamber after the restauration of the King's Inne, is this day admitted into a fourth part of the dormitory, in that place where the Exchequer was lately kept, and next to the Lord Chief Justice's chamber.”

“ Sir John Davyes, his Majesty's Attorney General, was this day admitted into another part of the dormitory, in that place where his Majesty's Court of Common Pleas was kept, and in the north end of the dormitory.”

“ Walter Scurlocke, and Christopher Verdon, Esqrs. are admitted into a fourth part of the Fryers Hall, where sometimes the Chancery was kept, and in that part thereof next adjoining to Mr. Justice Sibthorpe.”

“ Richard

“ Richard Butler, and Michael Cowley, Esqrs. are admitted into another fourth part of the Fryers Hall, where sometimes the Chancery was kept, and in that part thereof next adjoining unto Mr. Talbot and Mr. Nugent.”

“ Sir John Everard, Knight, and his son, were admitted this day into the place where lately the King's Bench was kept, sometimes Sir Robert Dillon's chamber.”

“ Patrick Archer, and James Bryver, Esqrs. learned in the Laws, were this day admitted into the next chamber to Sir John Everard, sometimes Mr. Burnell's* chamber.”

“ Christopher Lynch, and Edward Dowdal, Esqrs. learned in the Laws, were this day admitted into that chamber in the cloyster, which sometimes belonged to Mr. Martin Blake, and Christopher Shaftsbury; names which shew the residence of Barristers therein in preceding times.”

“ Robert Barnewall and Nicholas Fitz-Williams, Esqrs. learned in the Laws, were this day admitted into the next chamber in the cloyster, sometimes being Mr. Cantwell's Chamber.”

“ Richard

* No such name appears after the revival of the Society, though in early ages a most opulent, warlike, and powerful legal name.

“ Richard Wadding, and David Rothe, Esqrs. learned in the Laws, were this day admitted into that chamber in the cloyster, sometimes belonging to Thomas Dillon, and Robert.”

Such were the Barristers between whom these chambers appear to have been divided: we find among them, not the representatives of rotten boroughs, but delegated guardians of extensive and warlike districts, or opulent and flourishing cities. Tipperary, Kildare, Louth, and Meath, sent them to the Parliament of 1613. Waterford and Kilkenny claim a similar distinction. Their conduct justified the choice, as some of them resigned high and lucrative stations from conscientious scruples, and others encountered imprisonment, exile, or death, in upholding the political rank of this country, and extending those principles which form the basis of that legal system under which the inhabitants of both islands are at this moment governed.

On the 28th of January, 1609—10, “ Sir Francis Aungier, Knight, Master of the Rolls, was this day by the Judges, and the consent of Sir John Davies, Knight, his Majesty’s Attorney General, admitted into part of that chamber which was formerly assigned to Sir John.”

Little doubt can be entertained as to the convenience resulting from the possession of chambers, when two Barristers of advanced age and ample fortune

tune

tune were satisfied with a single set, and submitted to live like junior Students in a crowded University.

Sir Francis Aungier also, though the monastery of White Friars on the south side of the city was granted to him, condescended to take a part of his countryman's settlement in the Black Friars. Undoubted documents prove him an able Lawyer and judicious Antiquarian; the preceding circumstance, therefore, neither gave him disgust or surprise. He was a Gray's Inn man, and had read that Sir Thomas Neville acquainted that Society, that he would accept of Mr. Attorney General to be his bed-fellow in his chamber, which was entered on their Rules the 9th of July 21 H. 8. In another English Society, an Attorney General was obliged to take one of the members of the house, not as a chamber, but a bed-fellow.

Whenever our projected chambers are finished, (which is a matter, in my opinion, useless, uncertain, and at all events, very remote) I make it my humble request, that if a similar order be enforced, the Knight, or Attorney General, may be allowed to select an agreeable companion from the profession without any reference to antiquity or rank.

Another Meeting or Council was held upon the 29th of January, 1609—10, in which the following order was entered: "A strong pale is to be made between Lord Walshe's chamber and the corner
ner

ner of the garden wall, wherein shall be made a stile and convenient passage for all men, and thereout to bar all manner of cattle, and that a small door shall be made in that part next the garden to lead in and out horses upon any occasion, with a lock and key to the same door, and that the door of the brew-house shall be stopped up."

Some illustration may be necessary to satisfy a modern *Inns-Quay* loungee of the authenticity of the preceding provision; such person must be informed, that at that time there was no embankment, except for a garden inclosure on the northern side of the Liffey, or where the ancient bridge of the city communicated with the adjacent district of *Fingal*. The whole space of ground from the site of the monasteries of Black Friars or St. Mary's, to the present King's Inns, was covered with separated tenements, held under the brotherhood of each Society, which had continual disputes arising from the selfishness, and sustained with the artful perseverance peculiar to holy Fathers.

As the Dominican order was infinitely more learned, persons of rank, taste and talents, were generally influenced by their mode of managing the contest, whilst their opponents had recourse to miracles, or a comparison of their tutelar saint, with the devout, but inferior St. Dominick. They were also the elder house, an important circumstance in the eyes of the populace. These struggles are only mentioned to shew the unaltered habits of a priest-

hood amid the varying manners of mankind : in one temporal point they seemed to agree ; each claimed exemption from the jurisdiction of the city, and enforced its observance by occasional riots, and a settled *excommunication, an alarming process of Canon law*, among a people sufficiently besotted to believe, that the agency of nature could be controlled by the management of monks. A similar game was played on the southern side of the city, some of which subsist to this day.—They had no charter, nor could prescription on Irish ground warrant the usurpation. The system was, however, upheld for ages by *clerical terrors*, and the Corporation acquiesced for such a length of time as to give it in the eyes of unprofessional men, an appearance of legality.

Even the new proprietors, for purposes of authority or lucre, dispensed with a legal maxim, and profited by the wrong. A Seneschal was therefore appointed until after the year 1640, when the last entry of that sort appears in the following words :

“ Memorandum quòd apud Consilium tentum apud de *King's Inne de Court* juxta Dublin, Thomas Bringhurst Gen. electus est ut Seneschallus hujus Libertatis, habendum gaudendum & tenendum quam diu se bene gesserit.” Stocks and a cucking stool were exhibited as marks of local and independent jurisdiction. A pillory even existed for criminals within the precinct, and on which John Veldon, an Under Treasurer of the Society, in the year
1616,

1516, suffered the penalties annexed to the heinous offence of perjury. We have, however, no correct tradition whether criminal proceedings or civil process were determined as in the neighbouring districts.

A transfer of the monastery to Judges and Practicers contributed to the abolition of that monkish privilege. Their attachment to other Courts, possibly confined subsequent authority to summary punishment for trifling offences. Good sense at last concurred with public and personal convenience, and the Society permitted an illegal usurpation to sink into defuetude as silently and imperceptibly as it rose.

Streets in this manner, and by such encouragement, covered fields, and the terraces of gardens have been turned into commercial quays. Thus, by an unforeseen, but uniform round of events, Priests and Lawyers acquire superior income and professional wealth by that population which possesses their ancient property. Those events, however singular or severe, can be recorded by a legal pen, as terminating in the general prosperity of this kingdom: but other parts of the Society's income have yielded to notorious neglect, the preservation of which would neither smother trade, nor check population.

For a slip near Bridge-street continued to pay the Society rent during the greater part of that century.

We do not, however, find that the legal body demanded a toll from passengers over the bridge, though their predecessors the friars undoubtedly did: thus, verifying the observation of Lord Coke, who applauds the regular clergy for their attainment of legal knowledge, or their uniform engagement of eminent Lawyers. This toll succeeded to the right of ferry, and was enforced with pious and perpetual zeal.

If, as Lord Coke says on a similar occasion, the preceding clause or order has not been darkened by excessive illustration, I will, in the words of the same great Author, *once for all*, recall the reader's attention to the singular, but appropriate addition given to the Chief Justice therein. He is called *Lord*, in the same manner as Coke, Hale, Hobart, and Holt, in English Law Books, though none of these great Lawyers were raised to the peerage, nor indeed any Chief Justice in either country until long after the accession of James I. But the addition was usual, and is noticed to mark the accuracy of that age in such matters.

A second order was made at the said Council, "That Mr. Fitz-Harris, and Mr. James Bryver shall, in the presence of the Treasurer, call before them Mr. Christopher Lynch, late Pensioner, and Mr. John Meade, last Pensioner, and upon view of their accompt, to shew their discharges of their several disbursements, and then to deliver over their several Rolls to the new Pensioner, Mr. Patrick Archer."

This

This appointment of private Barristers as Auditors of Bench Accounts, does not shew that they were Benchers, but that the whole body had an equal right to attend meetings or vote therein.

When corrupt, self-interested, and presumptuous innovators assert matters unsupported by precedent, principle, or fact, they deserve to be dragged to the altar of public justice, and exposed to the derision and contempt of an enlightened empire.

What opinion can the reader have of the Letter, sent by order of the Bench to Secretary Pelham, now Earl Chichester, when an ejectment was served for the ground of the King's Inns Society, occupied by the Courts and public Offices? It strangely, but craftily states, that King James granted the old King's Inns in fee to the Benchers and their successors. Government may be deceived, but it must be from want of enquiry. If the pretended record contained such words, it would satisfy my mind as to the forgery or interpolation.

In the same manner, Sir Edward Coke detected a monasterial imposture in his day. The grantee of such property relied upon a certain document as an ancient and authentic deed, when lo! on perusal, it recognised a legal practice not known at the period of its date. But Coke's talents or research are not necessary to eviscerate this modern fraud: it shall be counteracted by an authority, feeble

ble and weak in other respects, but fully conclusive to the intended effect.

A petition was prepared for Parliament under the same authority, and committed to print, with the preceding Treasurer's name annexed therein. In this petition it is truly stated to be granted as a residence for the *Professors of the Law*. The reader may make his election, which description to rely upon: at all events, it will prepare him to exercise a proper research and impartial judgment in preference to a Bench publication, or even that of their Historian. In the preceding instance, a view of the grant could remove those doubts, and can be easily resorted to by the protected favourites of Government, though such an indulgence has not been within my reach. Should that privilege be ever extended to me for national purposes, the trust shall be consecrated to public good, and fellow-subjects rely upon humble professional industry to authenticate and illustrate legal or historic facts, whilst in fairness and freedom of opinion I expect from men of talents or integrity, countenance and approbation.

In a subsequent Council the Judges and other Members of the Society obtain chambers on the condition of repairing the premises; and if such were not disposed of to any of the Society, then the same to be left to the Bench to give consideration in their discretion. Similar orders were made
where

where Members resigned their half of the chamber.

A rule by which the chambers of Sir William Jones, Chief Justice, were assigned to Sir Henry Bouchier, Knight, marks their use and necessity. It states, "that they were Commissioners for the affairs of this realm." On the former going to England, the latter was elected a member of the Society, to enable him by such situation to accept of the transfer.

A want of income to support the yearly provision of articles for the house required an additional tax: four-pence is added as an enlargement to the termly pension of each Term, and continued unaltered for a century.

At the same Council, the following mild and useful order was made: "That from henceforth all and every gentleman of this house shall be in Commons in this house one whole week, or two half weeks in every Term, and in default thereof, to pay to the Treasurer for the time being, five shillings sterling, for the use of the house."

If the modern buildings had been fixed in a proper situation, and the taxes, however heavy, faithfully and frugally applied, a regulation of the preceding import would not only be complied with, but received with a tempest of national applause.

The

The reader has seen, by the division of chambers, that some of the Judges were left destitute of such accommodation, which was certainly unreasonable; for though the individual may be unpopular, and intitled, from personal or official baseness to no respect, rank and public station claimed from a legal body such compliment: besides, it was a matter of public convenience that they should attend near each other in Term time, and not distract a Suitor or Attorney by a pursuit after them in different parts of the Metropolis. This principle would at least induce Practicers to support the regulation, which was entered into in 1622.

“ For that the Judges of this Society cannot repair thither as often as they otherwise would for want of chambers; it was therefore ordered, and agreed on that day, That the Judges shall have and enjoy the upper chambers in this house, and every of them as they shall happen to become void; and that every Judge, from time to time, be admitted into such chamber that shall be void, respectively, according to his precedence or antiquity.”

The preceding rule gave to these Magistrates the entire possession of the monastery, as the respective occupiers died or struck their names off the Rolls of the Society. For that such custom did prevail, we have two indubitable proofs; Mr. John Mead, and Mr. Thomas Geoghe, were original Members in 1607, and are re-admitted in 1628, as appears by the remark at the end of the latter name, for both gentlemen

gentlemen had in the intervening period attained the honor of Knighthood.

It is a painful necessity resulting from modern innovation, which makes me prove that the practice of a Society of gentlemen was correct and liberal in former times; but the unmerited and unexampled degradation which has been meted out to Attornies by unprecedented usurpation, enforces this illustration, as an imperious duty. A Mr. *Cheevers*, a Mr. *Nicholas Lowther*, and other gentlemen of that profession, obtained moieties of chambers in the same manner and on the same terms with Barristers, and had a full privilege of mixing with the legal body upon terms of personal or official equality, within the King's Inns Society.

I see, however, a very good reason why they did not frequently solicit the tenure—their business materially differs from the Bar, both in attainment and execution; a crowd of clients forms the useful train of an Attorney, for whom they must have time and place, and be entrusted with secrets unfit or unsafe for a third person to hear; whereas, the Barristers talent is exercised in the solitude of a study, or on a crowded, but unconnected theatre, in which positions the business is prepared or completed with the most powerful effect for official record, or public execution.

However, no further observations shall be made on this part of our subject, until it becomes necessary

fary to state the motives which led to a subsequent practical change. For the present I merely submit to the reader's integrity and common sense, whether Irish Barristers and Attornies are such senseless, spiritless beings, as to enter into a voluntary Society for the express purpose of servitude and habitual disgrace. The truth seems to be, all the Members had a common interest, and as the rules and management, except in a few instances, evidently bore that way, there was no struggle for situation; neither wealth, rank, patronage, nor power, awaited the attainment, and where such accompaniments are wanting, affairs move in an uniform sphere of integrity and indolence.

The account of Sir John Ellyot, the first Treasurer, was taken on the 2d of February, 1610, in the following terms: "Imprimis, the said Accomptant stands charged with one cupp of silver double gilt, weighing forty-four ounces, given by Lord Deputy, Sir Arthur Chichester;—item, six silver spoons, given by Sir Thomas Ashe, Knight, one of the fellows of this house."

"Money received for admittances £85:19:2 From Mr. Patrick Archer, Pensioner, one of the fellows of this house, £8."

However, even at this early period, there was either negligence or default in King's Inns Officers, for the learned and honest Baron received no collection from the other Pensioners, Mr. Christopher
Lynch,

Lynch, or Mr. John Meade, and describes it in correct legal language by the return of *Nihil*.

“ Disbursements under his inspection, with authority from the Society, amount for the same period to £64:9:8 sterling. Money *imprest* (such is the legal phrase of entry) to the Steward, £10:9:0. By like warrant to the Under Treasurer, £3:0:0. Like money *imprest* to the Steward since the 2d of February, £4:0:0 sterling. He demanded allowance for small repairs, £0:17:6. *Summa Totalis*, (such is the entry) £82:16:2. And so remaineth due unto the house in the hands of this Accomptant, £11:3:0.”

This account was taken before Sir John Blennerhasset, one of the Barons of the Exchequer, and Gerard Lowther, Esq. one of the Judges of the Court of Common Pleas, *Auditors appointed* thereunto by the Judges and Bench. Such was the state in which a most learned, spirited, and numerous body satisfied their ambition. How small a balance in the hands of the Treasurer, with what promptitude and integrity arranged, to borrow the legal phrase of old Plowden, “ a notable precedent for succeeding times.”

This appears the correct moment to compare the commencement of our modern establishment as to finance, in point of extent, necessity, or use, with the revival of the King's Inns, in the reign of James I.

In

In Trinity Term, 1789, fines of admission and composition for Commons amounted to the sum of £127 : 5 : 7, and stamps £160 : 0 : 0, making the whole receipt for that Term £287 : 5 : 7. The disbursements of the same Term for advertisements, bonds, &c. £7 : 5 : 2. Poundage £14 : 17 : 0, which left a balance in the Treasurer's hands of £265 : 13 : 5.

The receipts of Michaelmas Term, 1789, amounted to £222 : 16 : 2, and the expenditure £15 : 0 : 3, of which £11 : 2 : 6 were the Treasurer's poundage fees. Thus £473 : 9 : 4 remained in that Officer's hands of the Society's money.

Receipts in Hilary Term, 1790, £1760 : 17 : 8, and the expenditure £1866 : 3 : 7, leaving a small balance in hand of £368 : 3 : 5½. A purchase of Government Securities occasioned the preceding large disbursements, as a single shilling was not laid out in any literary or professional improvement.

We must, however, proceed with clerklike integrity, and arithmetical accuracy. The receipts of Easter Term, 1790, amounted to £228 : 5 : 4, and the expenditure, including poundage, £16 : 8 : 0.

Where no visible object appeared for the preceding income, taxation would scarcely be resorted to in any other country to double or increase it; however, the measure was adopted without any previous notice or general alarm.

The

The subject assumes more importance in point of wealth, as well as its singular management; £580 : 1 : 9½ now dignifies the page as a balance in the Treasurer's hands. The receipts of Trinity Term, 1790, amounted to £275 : 15 : 4½, and the expenditure, consisting entirely of poundage or charity, was £18 : 16 : 0. The effects of great and growing resources already appear in an item of interest upon Government Securities, which increased, was increasing, and promised to accumulate to a boundless amount.

But to proceed—£837 : 7 : 2 in Michaelmas Term, 1790, was the Treasurer's balance, the receipts £364 : 6 : 2, and the expenditure £976 : 6 : 4. Good news for legal professors! more Government Securities purchased.

Under the preceding principle, with an indulgence of charity, some useless expences may be overlooked, and the small balance of £126 : 7 : 0 in the Treasurer's hands not displease the reader.

He shall, however, have ample compensation in succeeding Terms. The receipts of Hilary Term, 1791, amounted to £341 : 17 : 6, and the expenditure only £43 : 8 : 3. The managers seemed also to adopt a sharpness suited to prosperity, and denounced the Receiver General of the Stamps as having received £224 : 0 : 0 of the Society's money, and remaining to that amount in their debt.

Balance

Balance in the Treasurer's hands in Easter Term, 1791, £424 : 16 : 3. Receipts in Easter Term, 1791, £233 : 10 : 8. Expenditure during said Term, nothing, save poundage, and that only £11 : 13 : 6.

Balance in Trinity Term, 1791, £646 : 13 : 5. Receipts £470 : 18 : 10, and the expenditure, including poundage, £33 : 11 : 0.

Balance in Michaelmas Term, 1791, £1084 : 1 : 3. Receipts in said Term £256 : 8 : 0. Expenditure, including poundage, £25 : 7 : 2.

Balance in Hilary Term, 1792, £1315 : 2 : 1. Receipts in that Term, £4452 : 18 : 9½, and expenditure during said Term, including poundage, £217 : 13 : 6, amounted to 664 : 16 : 1½.

Whereby a balance of £5003 : 4 : 9, exclusive of Government Securities, remained in the Treasurer's hand. The Receiver General's stamp arrear no longer incumbers the page, though there is no credit given for it, nor any insolvency avowed.

In the year 1792, a front of one hundred and fifty feet, and upwards, presented itself for building an hall, chapel, and library, which site was then vacant, part of the Society's estate, and ranged in front of the Inns-Quay, adjacent to the New Courts and Public Offices, with a spacious reere, suited to the importance or dignity of public buildings. Even
ground

ground could be then cheaply acquired for a small surrounding square. Thither the profession would most cheerfully resort, and re-assume the appearance of a corporate establishment without any power to exercise internal corruption, or perpetuate the mischief by an abuse of Royal privileges. A pecuniary fund also existed sufficient to commence the improvement upon a scale commensurate with national and professional dignity. But a minute discussion of these principles more properly falls within the concluding part of this Work.

The æra of George or James could not, it seems, differ more in legal maxims, or constitutional customs, than in the interior management of the King's Inns in these several periods.

Commons immediately commenced on the revival in 1607. Eleven years preceded that measure, from the Statute in 1782, before a similar institution took place. Voluntary subscriptions equally levied upon all the members, upheld the former connexion, and were faithfully applied to the common convenience of all parties, whilst parliamentary taxation seconded assessments in modern days, one penny of which was not paid by the planners themselves, nor expended for the benefit of the persons upon whom it was levied.

Seniors or Dignitaries under James assumed disinterested trouble, and submitted within the pale of the Society, their rank and station, to an equality with

with other ordinary members. On the late revival, a marked separation formed a preliminary to undefined authority and chartered servitude.

In the former period, unanimity appeared to govern the Society, and rival factions did not arise in an institution, alike destitute of power or wealth.

In our time the evil spirit of party influenced every movement, and extended the allurements of profit, whereby the Society funds were expended alternately to sustain and depress hostile or friendly connexion. The preceding innovations had no precedent in former King's Inns practice, nor in the legal establishments of other countries.

But the reader shall not be longer detained by a comparison of the systems;—the observations arose from the strong dissimilitude of finance which graced each revival, and has therefore been conceived worthy of the reader's attention, it may also help to regulate his judgment as to future discussions. I have, to borrow the words of old master Littleton, given him a taste in the preceding extracts, to provoke an appetite for the fuller repast which shall be prepared to satisfy his curiosity in the course of this History.

From obvious causes the institution increased in political consequence, and gave added lustre to its Members in the scale of Society, therefore every person whose rank or situation entitled them to the distinction, solicited admission into the King's Inns.

The

The Irish Chancellor, Dr. Jones, Archbishop of Dublin, became a member on the twenty-fifth day of February, 1609—10, and dignified his approach by the introduction of a more illustrious churchman, James Usher, afterwards Archbishop of Armagh. The Society also shewed suitable discernment and integrity by appointing Usher to be their Chaplain or Preacher. With the Chancellor, Dr. Adam Loftus, then a Privy Counsellor, and Master in Chancery, was admitted:—he was an able and eminent man, who attained the rank of peerage, and held the Great Seal with dignified firmness, and distinguished legal skill.

There is an heartfelt pleasure in recording honest deeds, or public spirited persons, which indulgence forms some atonement to a Writer's feelings for the awful necessity whereby he is bound by historic duty or patriotism to expose the evil motives and corrupt practices of others, who abuse professional rank and official station, to the oppression of cotemporaries, and the lasting injury of their country.

The Society moved in progressive dignity, and on the first of May, 1610, Donough, Earl of Thomond, solicited an admission, and gave an hoghead of wine to the house. On the same day, Lord Butler of Tullow Phelim, (son-in-law and heir to Lord Treasurer Ormond) became a Member. This young Nobleman, with a spirit suited to his age, bestowed two hogheads of wine. Other respectable persons courted the connexion, and attained it with

H

more

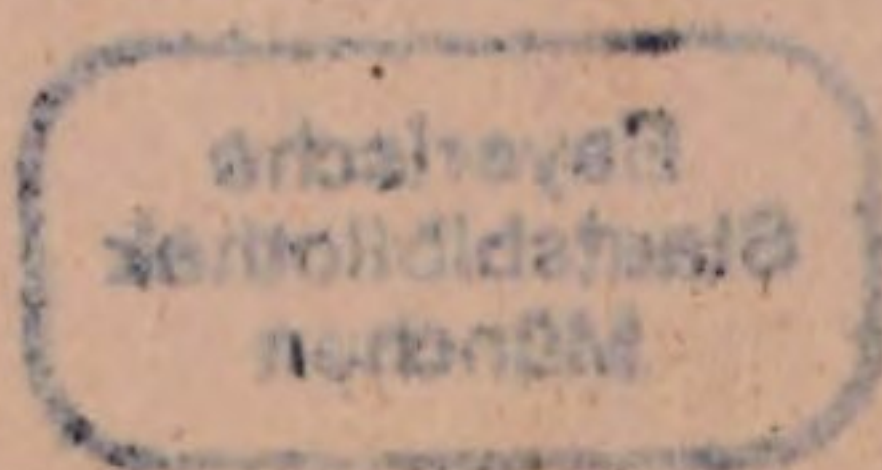
more frugality ; such as Sir Henry Harrington, and Sir Gerald Moore, of Mellefont. On the twentieth of June, in the same year, Maurice, Lord Viscount Roche and Fermoy, and Sir Richard Morison, Vice President of Munster, became Members.

In the same groupe we find Sir Richard Boyle, afterwards the great Earl of Cork, who was not prevented by an acquiring disposition from presenting to the house a silver cup.

On the twenty-seventh of January, 1611—12, an illustrious Prelate, Dr. George Montgomery, Bishop of Meath and Clogher, became a Fellow of this house, and with his accustomed liberality of character, bestowed a silver cup. Anxious as I must ever be to exhibit, in a prominent point of view, the proper conduct of our legal Society, it is an easy and natural presumption to believe, that the known public spirit and clerical merit of Montgomery attracted the attention of such a wise and learned body, who therefore paid him this merited compliment, which, except in that point of view, could not be a subject of attention, much less solicitation, to the modest and unassuming churchman.

I shall close this list of Members allied to the Society, not by professional pursuit, but honorary or interested admission by a Member of our Inn, whom the Parent Societies in England cannot rival.

Roger



Roger Boyle, Esq. son and heir apparent of Richard Boyle, Knt. is admitted into the Society on the 12th of June, 1612, and his fine was remitted by unanimous consent. This boy was born in the year 1606, and died in 1615. He had a brother of the same name, born in 1620, who is well known as a classical, courageous, and politic character, under the titles of *Broghill* and *Orrery*. Well might the King's Inns Society merit excuse for an harmless variance from the English legal system, when an Irish Cabinet and Chancellor so far abused official duty as to call to the rank of peerage two minor sons of this favoured Courtier—the preceding annals of England did not produce a similar precedent, nor has the illegal indulgence been solicited or sanctioned by our present amiable Monarch in favour of those distinguished children of the State, his accomplished sons. His Majesty has thus far imitated the great hero of Cressy; for in Cotton's Abridgment, p. 94, we find that Edward III. declared to Parliament, by his Chancellor, an intent to create such of his sons as were of full age to the rank of peerage. In so solemn a manner did the conqueror of France recognise the rules and principles of English Law. An enterprising colonial adventurer, however, unhesitatingly obtained from the collusive corruption of Irish Government, patents and privileges, disclaimed by Kings, and equally subversive of common sense or established freedom, but which springing from trifling motives, and confined to narrow circles, extended in the end to national Councils, and

turned the sound maxims of Irish Law into worm-wood and rapine.

Even this King's Inns precedent probably led to the subsequent peerages, though that compliment was merely intended to confer legal rank, and confine its effects to a new created, voluntary institution: for the wise and prudent father foresaw that Law was likely to supersede military habits in this country: in such case, its professors must assume a correspondent rank, and as *Antienty* was more useful in the legal line than in any other pursuit. Young Roger would, before manhood, attain that useful situation, and thus far resemble the Duke of York, who has been for many years the senior prelate of Europe, at least since the death of that expatriated Stuart, who assumed a similar title.

The peaceful and inglorious reign of James may be fully explained in the legal History of either island. Its leading feature and principal vice lay in an unbecoming apprehension of Parliament, and unsuccessful attempts to mislead or controul that constitutional organ of national will;—Ireland afforded a fair field for this disgraceful enterprise, and every effort of the Cabinet was directed to that end.

The regular representation of the country was not relied upon, though the late grants of the Crown were so enormous as to interest a great portion of the landed proprietors in support of prerogative, which

which was also directed to render the remaining tenure of estates servile and insecure.

Religious phrensy was likewise made use of to uphold courtly humour. Law was to be alternately relaxed or enforced, as these hostile parties exhibited rival symptoms of complaisance and submission. In this manner a smothered flame was formed in each kingdom, which ripened during the reign of James, but blazed with unequal, yet unabated fury, to scorch or consume his unfortunate successors. By political presumption, repugnant to English Law or national habits, Filmer and James contributed more to the revolution than Hamden or Sidney.

This Monarch did not combine the Study of men with books, and therefore failed in the most essential quality of a statesman. The timidity of his temper also urged him to act from momentary impulse, and not direct his judgment to remote political projects. Had not this been the case, he would not, for the trifling service of one Parliament, create forty new boroughs, and enable families, as by hereditary succession, to usurp representative situations, and thus form an interested phalanx, equally dangerous to the Crown, as the Nation. Selfish courtiers alone received a real benefit and fixed inheritance, whilst the Royal character was disgraced by employing legal forms to subvert the Constitution.

A corrupt domestic Government exercised correspondent malpractice, and permitted or encouraged

raged returning Officers to violate their trust in the most bare-faced manner. Irish Lawyers were, however, too spirited and learned to yield to such innovation: by their exertions the nation was roused to a sense of its legal rights, and James found, in the firmness and zeal of deputed members, a spirit not inferior to the state puritans of England. That weak Prince had also the mortification to feel that this new accession sprung from his own partiality and mismanagement.

It is unnecessary minutely to enquire how far the several returns were legal, but as there appear many authenticated complaints of arbitrary acts, and courtly practices, a concise and general review or commentary cannot be entirely useless or ill-suited to an account of the Irish legal body; besides, it may contribute to the main object of my design, which is, to exalt and strengthen the character of existing monarchy, parliamentary representation, and judicial practice, by the contrast which each exhibits to the enormous abuses committed in former periods, or even under the peaceful and inglorious reign of James.

Members elected by pretended Corporations; returning Officers exercising similar partiality in favour of themselves, or dispensing injustice at their election Courts, formed a mass of complaint, highly intitled to parliamentary enquiry. Such discussion was, however, counteracted by courtly influence, and referred by James to a motley Commission, composed

composed of the Deputy, an Irish Chief Judge, and three English Courtiers.

The business was conducted and concluded as may be expected from this preparatory step. Members for the New Corporations were confirmed in their seats, not merely from an error in judgment, but in direct opposition to the resolution of English Judges, as reported by Coke in the Dungannon case, for James promptly consulted that sage body to sanctify Cabinet measures, and yet deviated from their decision at the suggestion of prejudice or self-interest. This temporary turn succeeded, and illegal representatives profaned the Temple of Legislation.

The King then seemed willing to cancel these newfangled Corporations, which he admitted, resembled by their poverty or want of population, the ancient ruined towns of Ireland. Even Dungannon, the Deputy's property, contained in 1619, but nine stone, and six timber houses built, and six stone and six timber houses ready to be roofed. When such was the state of a borough town, favoured by Vice Regal patronage and residence, the reader will easily perceive the prosperous position of rival or surrounding communities.

Legal mischiefs, however, rise from trifling variations, but are extended by selfish malignity to collateral purposes, and thereby dispense incalculable mischief to remotest posterity. Little did James foresee

foresee that he created a weight of corporate corruption, equally hostile to Royal prerogative, or popular rights, and which malady continuing for ages, has been in our time considered a grievance not demanding suppression, but entitled to perpetuity or purchase. It may well be imagined, that Sheriffs, or similar corporate ministers, returning themselves, exhibited such a contradiction to common sense, and common law, as to meet general approbation in an immediate abolition of the singular presumption. Cabinet pride, however, supported the glaring wrong, and Doctor, afterward Sir William Temple, (though Provost, and as such, returning Officer) gravely returned himself and another Civilian for the University of Dublin, in the year 1613. The system of voting, authorised, or at least practised, also varied from the principle established either at Oxford or Cambridge, whereby that incorrupt seminary, by the youth or paucity of such voters, has been periodically subject to party disturbance, and improper internal influence among its resident members.

The glorious æra of Elisabeth afforded, for the preceding abuses, an appropriate precedent, entitled to immediate adoption.—For Sir Henry Sydney corrected similar grievances without any reference to an English Cabinet, or his enlightened Sovereign. But James and his Administration exceeded Elisabeth or her advisers as much in personal obstinacy, as they receded from the great original in political wisdom. Where such glaring variations

ations from English established Law were upheld by the hand of power, it requires neither fact nor illustration to presume, that returning Officers exercised a wild riot of corrupt discretion, according to the dictates of Vice Regal influence or party principles. By the preceding practices the House of Commons swarmed with hackneyed courtiers or hungry expectants.

An extensive expected attainder afforded anxious speculation, with an ample premium for active servility, whilst threatened religious persecution presented a further prospect for growing disloyalty. The nation, however, felt a security from the latter unchristian system, by James's timidity, which directed him rather to rely upon Elizabeth's Statutes, than disturb the mass of lower classes by progressive severity or restraint. Scholastic vanity also seconded this natural disposition. That presumptuous pedant assumed the novel, but difficult task, of converting obstinate religionists, and confounding Papal supremacy by literary efforts. Bellarmine or Suarez were, however, held in no greater detestation than Vorstius or Calvin, and Popery was no further abhorred by James, than as it claimed superiority over his absolute Regal dominion.

Fortunately the supreme Pontiff did not temporise; otherwise the true spirit of reformed religion would be moulded by James's complaisance into a close resemblance with the Roman Catholic system.

Royal

Royal grants formed a more interesting subject to cotemporaries, though the present age is no further engaged in the discussion, or the rights of struggling parties, than as the measure tended to meliorate or improve national prosperity.

Whatever may be the motives of individuals at that period, private wealth, political strength, and personal peace, sprung from that rich source. A species of feudal system, equally hostile to national dignity or liberty, has insensibly been moulded through Ireland, into a complete similitude with English property, and must progressively improve if Law receives in this country a professional interpretation, equally correct, and from other classes of people a cordial and animated support.

The resistance of Parliaments under the Stuarts principally sprung from exacting unlimited obedience, instead of permitting internal factions to weaken each other by rival attacks, and thus oblige them to apply for occasional support to the courtly balance. But a strict observance of legal forms, and obedience thereto, should be the condition at least of governmental favouritism.

Whereas the general habit was to absolve the minions of a Viceroy from such an unpleasant restraint, forgetful, that opposition became proportionably violent, and seemed justifiable in its warmest excess, whilst upholding civil and religious freedom from
sinking

sinking beneath the pressure of corruption or tyranny.

Under the influence of such principles or prejudices, James found that in despite of all previous management, there was a very close contest for the situation of Speaker.

The rival candidates must appear equally remarkable to impartial posterity. Sir John Everard was an Irishman of ancient English descent, extensive landed estate, and who had held a judicial office with integrity and talent. Sir John Davis was an Englishman, of lively genius and universal knowledge, but unknown in this country beyond the circle of the Castle or Four Courts, and a legal adventurer, whose property consisted of abbey grants, or a portion of confiscated lands.

Thus, Fellows of the King's Inns took a lead in parliamentary movements, as did other members of the legal profession through all the subsequent debates. If the Court determined to uphold their favourite by weight of prerogative, or the admission of improper votes, opposition seemed to forget, by a premature act of secession, the parliamentary objection which lay to the admission of an Attorney General, at that time, as a private Member: for in 1614, it was resolved in England, that the Attorney shall in that Parliament remain, but no such Member to serve as a Member after. In Ireland the preceding indulgent practice had never been adopted by any Parliament;

Parliament; and Sir Lucas Dillon, an Irish Attorney General, did not sit in Sydney's time, but attended as an assistant to the Upper House, and when called upon as an adviser to the Commons.

An appeal was made to the King, who precipitately and obstinately adhered to Ministers, though his affected enquiry favours of a doubt as to the greater number of voters. His second reference is characteristic of James. An examination was to be had, whether any, and how many, of Everard's voters spoke no English, or understood the Bible. Had Nelson lived under such a Monarch, the Sound or the Nile would not recommend him to employment more certainly, than a mixed portion of courtly and scholastic craft.

The preceding struggle involved Courts and Senates; it also exhibits the first authentic record of King's Inns servility and corruption. A copy of this singular and degrading document is therefore submitted to the reader with becoming accuracy:

“ A Council holden in the King's Innes the 19th of November, in the year 1614, in the year of the reign of our Sovereign Lord James, &c. concerning a Letter received from the Right Honourable the Lord Deputy, the copy whereof ensueth:—

“ To my honourable friends, the Lords Chief Justices of the King's Bench and Common Pleas, the Lord Chief Baron of the Exchequer, Master of
the

the Rolls, and the rest of the Members of his Majesty's Inne of Court,

“ After my verye heartye commendation unto your Lordships, &c. Whereas Sir John Everard has been heretofore required to *forbeare the Commons and Association of the House*, which from *the first erection thereof* he has enjoyed, untill it was of late tyme that he fell into some dislike *with his Majesty and this State*, and as much as we have again heard a very good and constant report of his *late demeanour in this present Parliament*, and that toward his *Majesty's Service*, and such like objects, he doth regaine unto himself an opinion of much sincerity and ableness to serve. These are therefore in consideration thereof, to *praie and require* you to accept of him again *into Commons* amongst you, and not only so, but also when you have fit occasion and means, to *furnish him with a convenient lodging within the same*, according to his worth *and the good abeiring he hath given of himself in every thing, saving his opinion in some matters of Religion*. But with this reservation, that this favour extended towards him shall be no precedent for others to expect and labour for the like *without the like merit and approbation*. So not doubting of your kind respect in this, I bid you heartely farewell, and rest your Lordship's, &c.

Very assured Friend,

ARTHUR CHICHESTER.”

We

We have thought fit upon consideration of this Letter, in desire of observance of the same, to receive the same gentleman within written, with all graces intended to him by the same Letter,

JOHN DENHAM, &c.

Such was the patronage extended to the legal profession by the sapient Cabinet of Ireland, and the concealed object of the Deputy's interference on its revival. Sir Edward Coke frequently illustrates English Law, by a commentary on ancient, obscure, and reprehensible records. The impartial or enlightened reader will excuse me, if, in humble imitation of our great master, I endeavour to give the foregoing King's Inns Extract, or State Paper, an explanation or comment.

Even the Deputy recognises an equal and general right in all the Members, the modern erection of this voluntary Association, and confines the extent of its mean and malignant abuse, not to a prevention from practice, but to expulsion from Commons, and a re-entry upon chambers held by no legal title. What man of honesty or spirit would not feel himself honored by a separation from such impotent tyrants and submissive slaves?

We cannot trace in what manner the measure was moved, or the majority which carried it, nor enjoy the still greater gratification of recording those illustrious

trious names, who probably opposed the original base resolve.

Amid the party zele of English factions, no similar act has stained their legal body. I therefore humbly recommend, that the Irish Student may form himself to professional habits, extensive learning, and constitutional integrity, by a steady perusal of English History, Records, and Law Books. When fortified by that profound research to a just abhorrence of exercising tyranny, or submitting to servitude, it will not be time mispent to scrutinise with eagle eye, the fanciful variations and practical corruptions of Hibernian growth. This happy union may enable him with energy and effect to purify the system in his native country, and thereby extend unshaken loyalty with well regulated freedom through the realm.

The terrors of the Council Table and Castle Chamber rescue Sir John Everard from imputed meanness in accepting the proffered terms; for as human conduct must be ever measured by the situation of society, he would not have even the support of public opinion to consecrate personal sufferings.

But as acts of tyranny at all times merit detestation in an empire of freemen, so the guilty instruments should not be protected by the hypocrisy of a monkish aphorism: it is the opinion of a great and virtuous Author,

“ That

“ That if it were possible to cut tyrants out of all history, and to extinguish their very names, it ought to be done ; but since they have left wounds too deep to be ever closed without a scar, at least, let us set such a mark upon their memory, that men of the same wicked inclinations may be no less affrighted with lasting ignominy, than enticed by momentary glory.”

In correspondence herewith, I mean to exercise a few observations :—Sir Arthur Chichester possessed power sufficient to crush most men under legal forms. A confirmed inferiority of early education, prevented that exercise of the understanding, which gives to a statesman the historic strength of ages, or to personal intercourse, polished mildness of manners. This perfection was wanting to his military character—in that line he never attained, even in his own age, the fame of a consummate commander. However, Fortune favoured, in a singular manner, his promotion. The progressive successes of heroes and politicians for half a century, contributed to give him the station of Viceroy. — The period also gave to his personal dominion, impregnable strength, and exposed his vanity to extravagant flattery.

Many adventurers owed an increased patrimony to this seductive art, and gave it a direction until that time unknown. *Gossipred* and *Fosterage* formed a link of union so remarkable, among the ancient inhabitants of Ireland, as to baffle the boasted sagacity of historians : it reached beyond the records of literature,

literature, and may be ranked among the singular customs of mankind. Thus, that practice sanctified by our British ancestors, of ten men and ten women separately married, yet living together in rival harmony, and rearing children in common, or that growth of artificial feeling which influenced their German cotemporaries to love nephews more ardently than children, might puzzle speculation, and warrant scepticism, were not the facts authenticated by sage and uncontradicted Historians.

In like manner, it was much easier to feel the unsocial vice of gossipred and fosterage, than to ascertain its origin or cause. Such singular attachment certainly merited national discountenance, and justly attracted legislative extinction. But a softened imitation of the reprobated principle soon met the public eye, and is justly referred to the *time of Sir Arthur Chichester*. Many persons connected with him by friendship, common interest, or domestic servitude, gave the whole of his *powerful name* to children at baptism, and looked for protection, or patronage, from this empty source.—The craft has crept through modern times, and at this moment distinguishes Ireland from the other nations of Europe. A succession of ages will thus afford a new subject for heraldic skill, not in ascertaining the descent of distinguished men, but in separating authentic lineage from impudent imposture.

The judicial and parliamentary History of Ireland forms a most interesting subject to natives or
I foreigners,

foreigners, yet neither has been hitherto sufficiently surveyed by legal and constitutional skill, or calm and dignified integrity, whilst immoral sectarism and petty warfare occupy so large a portion of our degraded annals. I shall not dwell on either in a more copious manner than seems adapted to a progressive illustration of the King's Inns Society, and the legal body at different periods of time. The subject is extremely seducing, and would be materially conducive to the permanent strength and connexion of both islands. The detail must also exalt the Constitution of our empire, by shewing, that in a full obedience to our legal code, like the Divine will, consists perfect freedom. This feeble sketch may, however, be the *precursor* of a more perfect work, for though a want of health, leisure, or talents, deters me from so weighty a pursuit, I anticipate the hope, that Providence

“ To such bright task may an Irish Lawyer raise,
 “ With powers surpassing even a Livy's praise,
 “ Through that wide field his steady steps inspire,
 “ And make Truth's radiant lamp, his leading fire,
 “ Guide his keen eye, and comprehensive soul,
 “ To mark each meaner part, yet grasp the whole;
 “ Whilst freedom's signet stamps the manly page,
 “ And glory guards the Work from age to age.
 “ Thus, Irish youths from that rich source may draw
 “ Sense of their Rights, and Passion for the Law;
 “ Wisdom that loves, and Virtue that aspires
 “ To reach that honor which adorn'd their fires.”

Meantime the reader will permit me to be an humble pioneer to Genius, and authenticate the legal History of Ireland by accurate quotation.

One

One material circumstance occurs from a comparison of the Journals of Parliament with the King's Inns Entries :—many Lawyers, marked by official station, or destitute of it, were either never *Fellows of that voluntary Association*, or entered therein at different periods, though they exercised professional, and even judicial station, in the intervening time. *Henry Gcsnold*, second Justice in the Presidency Court of Munster, and Member for Cloghnakilty; *Thomas Hibbotts*, Recorder, and Member for Carrickfergus, who was afterwards a Knight, and even Chancellor of the Irish Exchequer; *Andrew Barret*, afterwards created a Baronet, a man of most ancient English lineage, and Representative for that opulent and extensive district, the County of Cork; *George Cary*, Recorder of Derry, though his colleague, *Thomas Crewe*, was entered in the King's Inns; *Domyan Peck*, Member for Tuam, and Attorney General for the Province of Connaught; *John Sutton*, Member for the County of Kildare, and colleague with *William Talbot* of Cartown; *James Galway*, Member for the City of Limerick, though a *Mr. Geoffry Galway* from the same place is an original voluntary Member on the revival in 1607.

The preceding gentlemen were never on the Rolls of the King's Inns. The following appear Members of that Society years after they sat in Parliament, and were avowed as Barristers by indubitable evidence: *Thomas Crooke*, Member for Baltimore, afterwards a Baronet, and entered on the King's

Inns, even his son became a Member the succeeding year; William Crofton, Member for Donegall, and others in subsequent Parliaments.

This Comparison of the Journals with the Black Book, confirms me in an opinion, that at that period a practising Barrister or Attorney, and a Member of the King's Inns, were not synonymous, though it is obvious, how eager persons must be to associate with their dignified brethren. Several Attornies were in the Parliament of 1615, some of whom were Members of the King's Inns, and others not.

Among the former we find a Mr. John Warren, *Member for Navan*, a gentleman of most ancient and respectable family, ancestor to our gallant countrymen, Sir Peter Warren, and Sir William Johnson, nephew to that Admiral. Were that gentleman, or the first Under Treasurer, *Jacob Newman*, so degraded in rank or spirit, as to surrender their personal and professional independence by a voluntary engagement, *dyet* and *lodging* would not be purchased in that manner by the basest outcast of our legal tribe.

I conceive, however, that it is wiser to consider the above point as settled, and gradually describe the progress of the change. If facts did not thus glaringly stare me in the face, my feelings are unconcerned upon the subject, but personal character exacts an adherence to truth and sincerity of sentiment, without bending to any private interest
or

or personal humour. It surprises me not a little, that no Irish Civilian, during James's reign, save Sir Adam Loftus, became a Member of the King's Inns, especially as that learned body never formed a collegiate connexion in this kingdom.

In modern times, most Irish Practicers of Civil Law, are also Common Lawyers, which was not, however, the case in 1615, when three or four eminent Civilians sat in Parliament. These gentlemen had been educated in Oxford or Cambridge; for but one degree in Civil Law was conferred in Dublin University, until the year 1614, to which period the total number [of graduates amounted but to one hundred and nine.

Let the reader calmly reflect on its subsequent progress, nor confine his view thereto, but extend the patriot vision through every avenue of national pursuit. An Irishman, animated by such reflexions, will probably thank Heaven for being born a subject of the British Empire, and under the reign of George III.

This Parliament repealed some Statutes, which marked the barbarism of Government much more strongly than the clans proscribed thereby. Though this wise enactment was countenanced by the Crown, and supported with all its influence, such was the hereditary and interested prejudice of that day, that three Irish native Members opposed the measure. With what malignant pleasure would such legislators

tors enjoy a field of civil war, and anticipate an harvest of confiscation!

As a presumed derangement, or improper expenditure of King's Inns revenue, influenced a publication of what was originally compiled from motives of private curiosity, I shall close the King's Inns account of this reign, by a concise, but correct explanation and comparison of the system, as it stood immediately previous to James's demise, and on the revived or improved arrangement in 1792, which the reader will probably neither think uninteresting or superfluous.

The account of Michaelmas Term, 1622, stands thus: Received of Mr. Nicholas Lowther, Under Treasurer, for pensions due this Term, £2:0:0, and arrears formerly due, £7:12:0. More received, £0:12:0. Paid unto Hugh West, due unto him for wages for him and his kitchenners, and for washing, and for other moneys laid out for the house in two years last past, more than received, £13:4:2, viz. unto the baker, £8:0:0, unto the brewer, £3:10:0, and unto himself the remainder, being £1:14:2. Paid to the butler for his wages, the same Tearme, £0:16:8. To the porter, for his wages, £1:0:0. For necessaries in the house, £0:3:2.

Payment

Payment this Tearme, - £15:14:0

Receipts, - - - 10: 4:0

So rests due to the accountant, £5:10:0

As our age may be termed financial, it is the more necessary to assert and encourage a strict observance of order, integrity, and correspondent œconomy. Private societies and corporate establishments represent the nation on a confined scale: a senatorial spirit therefore becomes every subject of our empire, in honest enquiry, and (when presumptive mismanagement appears, by concealment or suspected jobs) censorial criticism. With this fixed principle, to compensate thankless toil, and regulate faithful research, the reader shall be indulged with termly receipt, and expenditure for an equal period in modern time, as it is intended to exhibit from ancient and uncontested authority.

In Michaelmas Term, 1792, brought as a balance from the preceding Term, £1227:4:3½. Fines, £308:17:6. Stamps, £450:0:0. Chambers, £1103:7:6. Library, £5:13:9. Total, £3095:3:0½.

The disbursements of the said Term, Moore's quarter's pension, £2:10:0. Sweeping the Courts one quarter, £5:0:0. Alterations, repairs, furniture, iron chest, bottles, &c. £505:8:10. Servants clothes, gowns, printing, advertising, &c. £60:4:1½.

$\pounds 60 : 4 : 1\frac{1}{2}$. Rent for Hall, and quit rent,
 $\pounds 51 : 1 : 4$. Government Securities purchased,
 (viz. 16 Debentures) $\pounds 1467 : 12 : 4$. Poundage,
 $\pounds 93 : 7 : 0$. Carried forward to the credit of the
 succeeding Term, $\pounds 909 : 19 : 6$. Total amount,
 $\pounds 3095 : 3 : 0\frac{1}{2}$. Such is the similitude of the So-
 ciety's funds in James's reign, and our happier time.

If superior income appears proportioned to national wealth, the comparative position of the Treasurer and Under Treasurer must attract equal surprise.

In the former period, two respectable Members of the Society, a Chief Judge, and an Attorney, who was brother to a Judge of the Common Pleas, and a Baron of the Exchequer, filled these offices. This distinguished legal pair laboured for a year, and finally appeared to be out of pocket, whilst the modern Treasurer received in poundage for one Term, nearly one hundred pounds, exclusive of other newly established fees, making for that time jointly, $\pounds 304 : 3 : 8$. The Deputy also, though forgot in the article of poundage, had fees which averaged nearly three hundred pounds annually. If the rest of the profession avow their ignorance of the preceding circumstances, as honestly as I declare mine at that moment, this publication will at least have novelty to recommend it, and as far as the profession or its proper fixture appears interesting to the Members or their cotemporaries, the dignity of the

the subject will rescue a defective execution from criticism or contempt.

Lest the reader may imagine that I have selected a particular Term, in different centuries, from any improper motive, the comparison shall be continued for two years at each time. It will not, however, be requisite to specify each item, save when singularity attracts remark.

In Hilary Term, 1622—3, Disbursements, £16:11:2. Receipts that Term, £5:10:0. So rests due to the Treasurer, £11:1:2.

In Hilary Term, 1793, including £909:19:6, brought from the former Term to credit, the receipts are £1424:12:3, the same sum expended, save the balance carried forward. The Treasurer's fees, £77:17:4.

Easter Term, 1623, £15:19:2. Receipts for the same time, £5:16:8. Due to the Treasurer, £10:2:6. In Easter Term, 1793, including £929:13:6½, from last accounts credit, the receipts are £1465:3:3½. Expenditure same sum, save the sum of £665:0:11½, carried to the next Term's credit. Treasurer's fees, £65:11:8.

Trinity Term, 1623, Disbursements, £15:2:2. Receipts, £3:11:10. Due to the Treasurer, £11:10:4. In Trinity Term, 1793, Receipts, including the usual balance from the preceding Term,

Term, £1568 : 6 : 4½. Expended said sum, except £96 : 2 : 7½, carried to succeeding credit. Treasurer's fees for this Term, £152 : 13 : 0.

Michaelmas Term, 1623, Disbursements, £17 : 13 : 8. Receipts, £6 : 13 : 0. Due to the Treasurer, £11 : 0 : 8. Michaelmas Term, 1793, Receipts, including the usual balance, £1779 : 4 : 8½. Expended said sum, save the balance of £58 : 15 : 6½ carried forward. Treasurer's fees, £298 : 16 : 4.

Hilary Term, 1623—4, the Disbursements, £16 : 8 : 8. Receipts, £8 : 6 : 8. Due to the Treasurer, £8 : 2 : 0. Hilary Term, 1794, Receipts, including the sum brought forward, £1551 : 19 : 5. Expended said sum, save £403 : 16 : 2, carried forward. Treasurer's fees, £233 : 3 : 0.

Easter Term, 1624, the Disbursements, £12 : 14 : 0. Receipts, £5 : 16 : 8. Due to the Treasurer, £6 : 17 : 4. Easter Term, 1794, Receipts, including the sum of £403 : 16 : 2, brought forward, £4799 : 0 : 3. Expended said sum, save the balance of £3423 : 11 : 2, carried to the credit of the following Term. Treasurer's fees, £373 : 5 : 4.

Trinity Term, 1624, Disbursements, £10 : 14 : 0. Receipts, 10 : 13 : 0. Due to the Treasurer, 15.

How

How amply would my feelings be indulged, if this dull, but faithful detail, shall animate fellow Practicers to review past mistakes, for the purpose of wholesome correction! Timely attention to that important point will enable them to exhibit King's Inns account with the loss only of what must be submitted to, an improvident, perpetual bargain, a remote and inconvenient situation, an ill-suited scale of architectural expence, and an useless waste of past expenditure. Thus, a total neglect of internal management may be succeeded by order and integrity; the profession re-assume a station in society correspondent to its rank, and its establishment be acknowledged by Prince, Parliament, and People, not to be more ancient than useful.

Meantime the accounts of Trinity Term, 1794, and its expenditure, shall close the present comparison. Receipts of that Term, including the above balance of £3423 : 11 : 2, amount to £10483 : 2 : 4. Disbursements during the said Term, £1836 : 7 : 11½. Treasurer's fees in Trinity Term, 1794, amounted to £541 : 9 : 6. Government Securities, £11358 : 0 : 0, with a cash balance in Treasurer's hands of £8646 : 14 : 4½. An unusual expenditure appears in Easter and Trinity Terms, which merits explanation, as it was not employed in the purchase of Government Securities.

£1695 : 4 : 9½ was laid out on the intended Inns of Court, without any order or authority from the Bench, and, as the event proved, in a manner entirely

tirely useless. This apparent imprudence received a counterpoise in the proud profit which flowed from stamps in Easter Term, £2824 : 17 : 1, and in Trinity Term, 1794, the sum of £3619 : 0 : 0 is also acknowledged to have been then received for the total additional amount of stamps on Attornies for two years, ending the 25th of March, 1794.

Such are the words of entry in the printed accounts. Thus, at an early period, doubt, indecision, and obscurity, pervade a plain numerical system, which required more ingenuity to puzzle or darken, than to elucidate and explain. For the tax was ascertained by the Statute, without cavil or complaint, and the number of persons admitted into the Society Rolls as Attornies, became a matter of unerring record, unless King's Inns official pages resemble perishable libels of fraud and malignity.

Let an immediate and active Committee be formed : I thus pledge myself to give them (if called upon) unpurchased aid, and with equal truth can affirm, that three months shall conclude such labours without encroaching upon domestic arrangements, literary pursuits, or professional business. As well might youthful genius be deterred from Littleton's luminous page by a black letter, or obsolete French. Let not then indolent integrity recede from an enquiry, without which, Government nor Parliament will neither be justified nor inclined to give to the legal body better than £50,000, due for their

their estate, now occupied by the Record Offices, and Four Courts.

One baneful acquisition, however, blackens the said Term.—£1774:18:3, was received as a fine from their new tenant on the Inns-Quay, and a perpetuity given. A jobbing partisan would much easier conceive the motive for this extraordinary act, than an honest man approve or defend it.

Could James I. start from the grave, he must admire that national zeal or public spirit which administered with such celerity and ease, taxation and assessment, superior to what Great Britain ever paid for a similar purpose. Assuming a manly merit in being the peaceful settler of Ireland, and thereby the parent of her progressive prosperity, his indignation must assume correspondent strength on finding a crafty, but determined severance of the legal connexion between both islands.

Thus, in five years from the revival in 1789, in despite of all former plunder, or surrounding mismanagement, a principal sum of twenty thousand pounds graced King's Inns coffers, with a large annual income, greater than what possibly sustains any public legal body in Europe. Historic evidence however ascertains, that the joint amount was superior to that expenditure which enabled Lewis XIV. to patronise the general literature of his time, and thereby attain an universal and imperishable fame, which

which was in vain looked for by diplomatic craft, or destructive conquests.

As the landed settlement of Ireland required an enlightened legal establishment, the judicial character through James's reign corresponded with the Royal engagement at the commencement of his Government. The Judges were, without exception, able men, and merited general respect for unbiaſſed integrity. A ſolemn conviction of their diſtinguiſhed worth, induced me to preſent to public view a ſhort ſketch of each perſon, under the title of *King's Inns Remembrances*. That was an enlargement of Dugdale's plan, but there appeared a neceſſity of convincing cotemporaries, how conſcientious James was in appointment of Judges.

The keenest ſtateſman may be deceived in a man's integrity; however, learning is not merely a prop to correct conduct, but a conſtant check upon diſhoneſt intentions.—That internal monitor can be ſeldom ſilenced or ſmothered, whereas, ignorance feels no ſurrounding alarm, and is controulled merely by an apprehenſion of puniſhment: for to ſuch perſons glaring error is no added diſgrace, therefore, the nobleſt exertion of Royal power, and in which an human being can neareſt reſemble his Creator, is by the appointment of learned and honeſt Lawyers to the judicial Bench. Nor is the benefit confined to their own time, or to ſuitors and priſoners, for that theatre becomes the beſt ſchool of
professional

professional talent, and ensures a succession of similar Practicers.

Irish Students had at that time the singular benefit of attaining elementary or juvenile instruction under as able sages as ever graced Westminster, and were able to uphold and confirm the improvements under enlightened guides in their native Courts. The prosperity of the country kept an equal pace, and much exceeded the comparative growth of English grandeur during the same period.

But the habits of the lower classes received a peculiar polish suited to their condition. The delusive equality of clannish descent quickly succumbed under the selfish habits which protected and acquired property encourages or justifies; a lively instance of this principle occurs amid the unwise enforcements or extended misapplications of particular Statutes.

The Act of Supremacy only affected persons in official station; and Barristers were considered as Ministers of the Law, otherwise they would not be subject to the Letter of that important bulwark to Royal and National independence. But peasants or artisans seemed, to wise or impartial men, unconnected with either its causes or effects. Probably the added experience of two centuries proves, that abstract principles of Religion and Law best support the State, whilst a decent veil covers them in the Temple of Legislation or Religion.

However,

However, James was advised to enforce the oath of supremacy upon the cottagers or labourers in the new plantations.—Such persons promptly replied, that they had no objection, provided they got leases of their petty holdings, and that their title, pursuant to Royal promise, was rendered permanent and secure. This Archimedean prop to Government should never be forgot:—it requires fanatical or scholastic art to discuss religious tenets; and studious toil, accurately to understand the complex codes which internally or externally regulate the British Empire. But the blessings of liberty and property are felt by all men, and breed an attachment to their real protectors. This self-interested incentive to peaceful habits is not lightly shook, and seldom entirely subverted.

James seemed to feel the force of this reasoning, and did not in either kingdom exceed a fanciful variation from the ancient legal establishment. The number of Judges in each Irish Court was fixed to three, and in England, occasionally to five, that an uneven number may prevent the delay or interruption of business. The salaries of Irish Judges were, however, too trifling, and looked for occasional increase to the bounty of the King. Yet eminent English Lawyers were induced to fill such stations; but landed grants from the Crown made ample compensation. When this redundancy was disposed of, we find in subsequent reigns, persons sent occasionally from that country, of an inferior cast and character.

James

James stands free from such reproach, and in truth, except in notions of prerogative or Regal power, he felt sincerely for the comfort and happiness of all his subjects, which sentiment justly intitles him to the character of an humane and honest man. That is the boundary of his merit, which ends where the virtue of a Monarch should only begin. Dignity of manners, firmness of mind, and steadiness of conduct, were unknown to him, whereby the vices of Ministers became consecrated by prerogative, and official despotism was encouraged by their management of a weak master. Such a disposition is shewn with most effect in the extremities of an empire, and rendered the Royal demise a matter of little concern in England, and much less in Ireland, or Scotland.

We are now entering upon a reign of singular art and misfortune, in which struggles for power were conducted by men, in different parties, memorable for eminent talents. However, a majority of them, in each island, were trained to legal pursuits, or acquired no small proficiency therein: during the period which led to this sanguinary scenery, there was an active president in the English and Irish Cabinet, who invigorated the whole, and paved the way for an extensive and inveterate civil war,

Charles I. affords a melancholy instance, in what manner a lust for power, and imperious controul over the civil and religious rights of mankind, can blacken an honest mind, and degrade a dignified

K

temper.

temper. This prince had many qualities attractive of respect and affection; but courage, learning, and morality, formed in a perverted mind, an useful machinery to attain that idol of his imagination, imperial despotism. Practical vice was courted to sustain this horrid attempt, by which he became a confirmed hypocrite, and continued the system to the last moment of existence. The three kingdoms could not furnish that unfortunate Prince with an apter instrument to second these vast designs, than the imperious Strafford.—Eloquent, resolute, politic, and persevering, he was charmed with that authority of which he was to be the delegated instrument; thus patiently submitting to a transient personal servility, from the gratification which a permanent indulgence of settled legal tyranny inspired.

As law was to be moulded to new purposes, its professors and their imputed principles were to Strafford and Charles, objects of constant solicitude and care. An hereditary fameness marked the members, as well as the legal system, in England—Ireland was habited in a different manner, and its new Viceroy incessantly laboured to distinguish this island by tyrannic variations alien to English Law, or subversive of its acknowledged or established principles. He found the Society of King's Inns arrayed in the following form:—A voluntary Association, with no legal authority over each other, but what arose from an annual election, or the inalienable rank attached to personal character and official station, which therefore needed no resolution to establish,

bliss, for an extravagant and unaltered adherence to power, forms an hereditary stain in the legal character, and prepares the generality of its Practisers by juvenile and habitual fervility, for aged and unrelenting tyranny.

There were two modes by which Irish Barristers and Attornies may be prepared for the preceding position; and enslaved themselves, make a merit of extending the galling chain over trampled fellow-subjects. A direct act of power would be unprecedented, odious, and certain of not meeting unanimous submission. Such a suspicion, circulated by men of known influence and talent, must obstruct or retard the concealed design.

There was a plan, social in appearance, pleasing in execution, and extremely well adapted to the temper of Irishmen; it also was sanctioned by ancient and uninterrupted usage in the English Inns of Court. Representative and distinct separations of legal Members took place at certain periods. The body, thus divided, exercised a free and separate judgment in forming joint resolves for the better order, and lasting government of each Society. These meetings were marked by splended exhibitions and hospitable festivity; they also bore, from a semblance of situation or professional pedantry, the popular name of Parliament.

An adoption of this kind, by the new established Society of King's Inns, struck the sagacious eye of

Strafford ; his favourite object would be thereby covered with a specious veil. To effect the imitation, even in miniature, there must be a division of ranks : this once reduced to practice, ensured a lasting divorce between the original union, and unaffected equality of the different Members, as *Fellows of that Society*.

The pride and interest of a few individuals, was naturally directed to its continuance. Thus, Government enlisted, at no expence, and without any waste of patronage, a select and respectable body of partisans. During the intervals of Parliament, they were to the Society at large, what the executive authority is to the nation in similar periods, the known ostensible manager of public concerns. Even if any murmurs arose among the general body of Practicers with respect to any corruption, mismanagement, or abuse of such authority, it was an excuse for the interference of Government, which was thus certain of approbation and support from the party in whose favour it inclined the trembling balance. In this manner an absolute controul over the existing Members of the King's Inns was secured to the Viceroy and Council, whose next object it was to make that Society co-extensive with the profession.

The reader has been, (I humbly presume,) already convinced by authentic extracts, undoubted practice, and Statute authority, that previous hereto, an Irish Barrister may have been a Member of the
King's

King's Inns, but that such a *connexion was not necessary*. The respectful consequence resulting therefrom is obvious, and must strike the dullest capacity from the eagerness with which admission into any modern, well regulated law club is canvassed for, and pursued. Its comparative convenience has been also concisely explained. The mode in which Barristers were hitherto interrupted, was by tendering them the oath of supremacy. This severity, besides the known unpopularity of the measure, was only occasionally exercised against obnoxious individuals.

Many spirited and enlightened Practicers disappointed their enemies, and took the oath, wisely discriminating between the principles of the Roman Catholic religion, and the superstructure of Papal power engrafted thereon. Even the Parliament of 1613, *though hostile* to that sect, not more strongly from such precepts, than by the presumed security of landed property which hung thereon, yet solicited the Lord Deputy to relax the practical rigour of that Law.

There were in every period, many Protestant Practicers, superior to the influence of courtly artifice, or religious hate. This small, but select band, with unceasing firmness, resisted and refuted every exercise of persecution as an impious scandal to Christianity, and each act of projected despotism as an undoubted mis-interpretation of English Law. The known loyalty of such men countenanced
their

their principles, which integrity exposed them to the vengeance of corrupt or crafty Governors.

Strafford was extremely eager to punish obstinate patriotism with inflexible severity. They were not startled at an oath of supremacy which was meanly tendered to Roman Catholic Barristers as a retaliation for the firm exercise of professional talent or faithful discharge of senatorial duty. But the King's Inns Society, under the preceding alteration, may be rendered ancillary to his views; at all events, a Society, which it was thus rendered necessary to enter, must have the natural power of expulsion, which apparently innocent resolve, may rest for a certain period in the archive of despotism, and posterity feel it as a precedent equally strong to either purpose.

The existing members who voted the resolution, exercised a spirit of exclusive dominion, but they possibly did not foresee that in obstructing the practice of others they were also rendering their own insecure; likewise, that this courtly and ill considered job may be the last which a parliament of the King's Inns would be convoked to execute. “ 20th day of November, 1634—At a parliament of the King's Inns it is ordered, That none shall be allowed to practice as a Counsellor at Law, but such as shall be first admitted of this Society, and that the fee of admission shall be four marks sterling. It was then also further ordered, That the Steward of this house shall henceforth collect all the pensions due unto this house by all the Members of the said house. The above
order

order removes all preceding doubt which can be urged, or may be imagined, of Irish Barristers becoming Members of the King's Inns before they were intituled to practice.

The resolution only imports an arbitrary and illegal prevention of such existing Barristers from pursuing their profession, as were not Fellows of the King's Inns Society, and an enforcement of a similar rule to their successors. It was much easier and wiser to enter as Members, than apply for a *mandamus*, which would be legal, if the station of Barrister could be considered an Office, under which construction alone, the act of supremacy at that time affected them; or the party may appeal to the Judges of England as visitors of the Inns of Court, or their subordinate Members. But the reader will believe, that the domestic inquiry would, however well warranted, be overruled, whilst corrupt and selected minions of power disgraced the Irish Bench. English Judges may possibly determine the matter with their accustomed integrity and judgment, meantime evil betide that Irishman who survived to return! Castle Chamber mutilation or torture would await the guilty patriot; for where conscientious jurors suffered such discipline, Government may, with less noise or alarm, inflict it upon a disobedient, but comparatively unprotected Barrister.

If an order be, however, binding to all possible extent, and on the remotest posterity, our cotemporaries have no bounds to assumed power, but personal

sonal virtue or public opinion. The latter has been ever held so powerful, that a general Bar Meeting can disrobe any practising Barrister, an *awful attainer*! which no brilliancy of talent could counteract, or personal courage remedy. Every well-conducted man of honor (such only should be Barristers) rests easy under this salutary controul, satisfied that guilt alone will attract infamy, and that the just decision cannot be overborne by governmental influence or the most shameless personal impudence.

An indulgence of this national opinion will banish from Irish Courts that scene of singular, but honorable irregularity which was exercised in Westminster, where a protected minion of the Court, having suffered, by infamous service in that line, the punishment of pillory, still presumed to appear in a Bar gown, which roused the indignation of grave and honest brethren to such an height, as to commit an overt act of riot and assault, by pulling that robe over his shoulders, and degrading him on the spot. It has escaped my reading or recollection if the unhappy man presumed to vindicate this breach of the peace by a legal complaint.

It is further observable, that the order was not extended to Attornies, which to me proves two circumstances—first, that they were equally freed from an obligation of becoming *Fellows of the King's Inns Society*—and secondly, that Strafford thought himself certain of their servitude by an abuse of judicial authority.

authority. The unfortunate class of Irish Judges had many difficulties to encounter: an hasty and indiscriminate compliance with the Castle laid them at its mercy, and prevented the well known power of directing an occasional connexion therewith to family convenience. Stern and unbending integrity ensured dismissal, and exposed an unprotected individual to exertions of perverted prerogative, and unqualified tyranny.

Stretches such as these laid the legal profession at the feet of this imperious Viceroy. The Irish nation can appreciate by the *tremendous consequences*, how necessary an enlightened, protected, and independent body of legal Practicers is to the common support of *Prince, Parliament, and People*. The landed property of the realm was shook by a legal earthquake—commercial industry paralysed by ministerial monopoly—personal freedom smothered by arbitrary imprisonment—and martial law, with unbridled licence, executed the horrid discipline of Castle Chamber mutilation and torture, or indulged its own.

If in the mysterious round of human events, a similar measure was meted out to those original oppressors by upstart innovators and republican regicides, were the mischief thus confined, posterity may excuse the deed, and justify the sentiment by that well known legal apophthegm, *nec Lex justior ulla, quam necis artifices arte perire sua*. But political evils are of wider extent and more lasting duration. Such also was Strafford's opinion, whose vanity led him to think,

think, that the effect of his principles would make Ireland to lasting ages a conquered kingdom, an introductory theatre for successful tyranny, and a strong military post to awe and repress British freedom.

As an example to men of inferior weight and talents, he commenced his career with two judicial Members of the King's Inns, *the Lord Chancellor, and the Great Earl of Cork*. By this a double point was gained; legal men of honesty and courage were humbled, and an encouragement held forth to professional apostacy and vice. This oppressive Viceroy well knew that Government must divide the spoil of plundered subjects with the criminal Ministers, who executed these horrid plans. If firm or honest Judges met reprobation and punishment, the complaisant and tyrannic seemed intitled to encouragement or reward. Four shillings in the pound on a composition for defective titles was given to the Chief Justice of the Common Pleas, and the Chief Baron, which Strafford, a skilful balancer of judicial trade, declares was well laid out. Encouraged by this successful precedent, the same bounty was held out to the Court of Exchequer in intended exactions upon recusants.

Can we be surpris'd that treason and civil war soon afflicted the realm, when a Viceroy thus sapped the unfading pillars of Royal authority, *humanity, and justice*, and influenced legal priests to stain law's consecrated altar with the property and blood of innocent

cent fellow-subjects. The Chief Justice of the King's Bench, and two other Judges, were proof against all his assaults; and though honored with hearty castle hatred, the tyrant was afraid to remove them, an innocent triumph which gladdened the people's hearts; for let me assure the unprofessional reader, that three such Magistrates can at all times, if sufficiently active and learned, uphold the principles of law pure and unadulterated, though they may be unable to protect the subject against particular or systematic oppression. The pride of patronage induced him to import a complete colony of dependant minions, in the civil, clerical, legal, and military line—such persons proved the sincerity of their principles by becoming successful adherents to Oliver Cromwell. Thus, Strafford's mistaken, but arbitrary policy, contributed to lead Charles to the block, and continue his children in exile.

No circumstantial account of the preceding King's Inns parliament has reached my research, nor in what particular respects it varied from, or resembled, the English model. This affords no matter of surprise to a reviewer of Irish Literature:—many more important documents have perished amid the convulsions of this hapless country, or are lodged in the repositories of the sister isle. The reader can, however, review the solemnity, splendor, and variety of legal festivals in Fortescue, Coke, and Dugdale, for, however ill suited to modern ideas, and therefore unfit for revival, they prove the attachment of our ancestors to established usages and ancient law.

Such

Such solemnities even originated in Norman jurisprudence, and were upheld by equal zeal in rival kingdoms, still, however, governed by a considerable portion of similar customs. In France the ceremony continued until the late eventful Revolution, and is thus described by an Author of that country :

“ Cette juridiction Basoche, composée de Clercs Du Parlement instituée en 1302, fut établie pour connoître, tant en Matière civile que Criminelle les différens qui naissoient entre les Clercs & contre les Clercs. Les Audiences se tenoient, les Mercredis & Samedis, dans la Chambre de Saint-Louis. Les Arrêts qui s’y rendoient étoient sans appels ; ils commençoient ainsi, *La Basoche regnante & triomphante & titre d’honneur, Salut.* Ils se terminoient par cette formule ; *fait Audit Royaume Le, &c.* Un Arrêt Du Parlement de Paris daté 7 Aout, 1771, fit expresse défense de se pourvoir par Appel des Arrêts de la Basoche. Thus was a visitatorial power over its Members solemnly allowed by the Supreme National Tribunal to that singular legal body, under the eccentric title of *Lords of Misrule*. Philippe le Bel voulut que le chef de la Basoche portât le titre *de Roi*. Ce Roi de la Basoche, dans une révolte qu’il y eut en Guienne, offrit à Henry II. le secours de ses sujets, qui étoient au nombre de six mille Clercs. L’offre fut acceptée : & à leur retour Henry voulut les récompenser de leurs bons services ; ils remercièrent, en répondant qu’ils étoient toujours disposés à servir sa Majesté. Le nombre
des

Clercs de la basoche alloit jusqu'à dix mille. Ce Roi de la Basoche avec ses dix mille sujets, épouvanta la timide politique du Roi de France Henry III ; il révoqua le titre *de Roi*.

“ Cette juridiction n'eut plus de Roi à sa tête : Le Chancelier la présida des lors. Elle étoit composée de plusieurs maîtres des requêtes, d'un Grand-Audiencier, d'un referendaire, d'un Procureur Général & d'un Avocat Général, de quatre trésoriers, d'un greffier, de quatre notaires, &c. elle portoit *pour armes trois écritaires*. Regions of slavery bow to the legal body like the land of freedom, but from different motives—terror systematizes hypocrisy in the former, whilst self-interest sustains the zeal of loyalty in the latter. “ Les Basochiens ont formé pendant la révolution, un corps de troupes sous un uniforme particulier ; habit rouge, epaulette, & bouton en argent. Ils ont rendu de grands services à la chose publique ; ils ont surtout signalé leur zèle, en se soumettant, sans aucune résistance, au décret qui anéantit leur corporation.”

Whatever pretences graced the outset of Gallic innovation, a suppression of legal immunities was an ominous and natural prelude to the extinction of the ancient code, and a lively precedent which has led to military despotism and the establishment of an iron Crown.

This

This singular body subsisted for centuries, and held a court of honor over all its members, an expulsion from which operated like Cain's mark, upon the individual, who became thereby an outcast of society. Fortescue also records, that his cotemporaries felt an equal horror at a motion from the Inns of Court, and dreaded such sentence as an heavier punishment than chains, imprisonment, or exile. This natural, but powerful sentiment will only cease to operate, when public opinion has convicted the tribunal itself of an innovating or corrupt decision.

There was also a library for the legal profession at Paris. Elle fut fondée par Etienne Gabriau, Seigneur De Riparfond, Avocat au Parlement, qui légua, en 1704, sa bibliothèque, & des fonds pour l'entretenir. Les fonds n'étant pas suffisans, un Arrêt du Parlement du 31 Août, 1712, augmenta d'un cinquième la somme de 20 livres qui se payoit pour droit de Chapelle à la reception des Avocats & procureurs, et attribua cette augmentation à l'entretien de cette Bibliothèque.

Un usage honorable distinguoit cette Bibliothèque de plusieurs autres. Un jour de chaque Semaine, huit ou neuf Avocats s'y rassembloient pour y faire des consultations gratuites en faveur des pauvres. Tous les Quinze jours il s'y tenoit des Conférences sur des matieres de jurisprudence, auxquelles présidoient ou M. M. les Gens du Roi, ou le Battonnier : les conférences de Charité s'y tenoient le Mercredi ;

credi; & celles qui avoyent rapport à l'instruction des Avocats, le Samedi. Cette Bibliotheque est décorée de plusieurs portraits d'avocats celebres, au milieu desquels est celui du fondateur.

The old connexion between France and Scotland thus appears, not only in their Courts of Justice, but in the interior collegiate management of their respective legal professors. Learning and charity moved hand in hand, and the exercise of both has been perpetuated by judicial modesty, and an abhorrence of jobs. With such sollicitude honest and wise men have acted in other kingdoms to promote and improve a learned brotherhood in the legal line.

Nor was the hapless Charles or his favourite Strafford insensible to this national object. The former gave instructions, that Practicers at the Irish Bar should, previous to call, fulfil the complete period required for an English Barrister. This was not only a wise, but public spirited measure, and faithfully recommended by the sagacious Strafford; for every public object, concurrent with arbitrary authority, attracted their notice and regard.

There appears a striking similitude between Charles and his unfortunate descendant Louis XVI: the genius of each rose superior to adversity, whilst obstinacy, irresolution, and a surrender of judgment to persons of inferior sense, marked their prosperous days, an equal misfortune seemed also to affect them:—Charles lost a tower of strength
in

in the death of Strafford, and Louis had not a single courtier, who, tempering military talents with civil skill, was enabled by fidelity, wisdom, and courage to prop a tottering throne, or dignify its fall. The death of these monarchs seemed also pregnant with similar events: the great body of the people was enslaved by successive factions, who screened schemes of plunder under plausible pretences of returning royalty or foreign attack, until a military hypocrite in each country assumed sovereign power, and exercised every abuse complained of under the exploded system, or introduced by subsequent convulsions. Thus, as political causes produce unerring effects, the British Cabinet owe unceasing attention to the progress, management, and uniformity of the legal profession in both islands, and will not therefore consider its situation in the lesser kingdom with indifference or neglect.

The Statute Book was loaded under Strafford's viceroyalty with a singular exhibition of legal surplusage—Englishmen were naturalised by Irish Acts of Parliament. There was in this movement either gross ignorance, or a deep and destructive design to sap the peace, happiness, and property of both countries. As systematic tyranny was the order of the day, I conceive the novelty to flow from that source, for were the principle, thus consecrated by Parliament, enforced by a similar judicial decision, landed property descending upon such disqualified persons, or inconsiderately acquired by them, became instantly vested in the executive authority.

Irish absentees transfer these disabilities to children, and Englishmen intitled to Irish estates were similarly circumstanced. What a theatre for calm and extensive transfer of landed income from the Subject to the Crown! Servility alone could dissolve the Gordian knot, under which pressure the political Constitution must perish. This prospective of courtly power and wealth vanished with the removal of Strafford, and amid more alarming convulsions. This obsolete principle is not discussed to illustrate ancient Law, but to rouse fellow-subjects in both islands against legislative innovations, especially of the declaratory kind, for popular flappers are often necessary to honest, somnolent representatives. The precedent extract proves, that Ireland could not be shook in property or freedom, without dispensing to Great Britain somewhat beyond the evil of example, but under present circumstances, general legal variations equally affect our united Empire.

Strafford did not discontinue his inspection or management of the King's Inns amid the higher concerns of his station; we therefore find, that in the year 1634, he prevailed upon that obsequious Bench to release the right of the Society to houses enjoyed by Mr. Robert Meredith near the Inns. The reader may wish to know who this gentleman was, and what marked his subsequent career:—he was a native of this country, but strengthened by the patronage of that Viceroy. Under such influence he acquired considerable property, by dividing the spoil with litigants whose title was doubtful, by

L

selling

selling Court protection, and obtaining grants of delinquents' effects. Thus arrayed he entered the Parliament of 1639, with the modest addition of Gentleman, which his active servility and ambition soon exchanged for the rank of Knighthood, and Chancellor of the Exchequer, an office at that time of rank, and reasonable emolument, but little duty, from the management of the Irish Treasury, by the personal authority of the Viceroy, and a total want of equity business in the Court of Exchequer.

On the fall of Strafford, he was too well known by the ruling powers to receive from them dismissal or disgrace. With an equal disposition to tyranny and plunder, he passed with active and obsequious hypocrisy through the political changes of his time. The evening of his life was dignified by the consoling reflexion, that he had been the active tool of Strafford, and every successive tyrant with whom Ireland was cursed for thirty years. In the year 1635, James Barry, second Baron of the Exchequer, was appointed Treasurer; with an equal portion of prudence and personal virtue as Meredith, he passed through a similar scenery, and on the restoration was raised to the peerage, whilst some of his judicial colleagues were conveyed to Tyburn. This minion of Strafford was well qualified to be a spy upon the Society, and execute the mandates of his master, or report the default.

That Viceroy increased the number of Serjeants at Law, which rank in preceding reigns was confined

fin'd to one Lawyer, as that order was never conferred in this country in the ordinary way, nor any limitation to Practicers of that class in the Irish Court of Common Pleas. The ancient name of King's Serjeant was then disused, and the Prime and Second Serjeant became the accustomed distinction of title. The precedence of the former remained, however, untouched, and he was constantly considered as a Circuit Judge; for we find, that about this time Prime Serjeant Catlyn died on Circuit at Trim. Strafford immediately ordered the Second Serjeant (then raised to the rank of Prime) to finish in Catlyn's room, and this in opposition to the Chancellor's fly recommendation of another. It is true, he did not slander the Second Serjeant, (afterwards the well known Sir Maurice Eustace) but merely said, that he had not necessaries to go, and the other gentleman lived near Trim. Now Eustace's residence at Castle Martin was not 30 miles from that assize town! To such awkward shifts does a lust of patronage and appetite for jobbing reduce even an able man!

Strafford persevered, and upon principles in which I heartily agree with him, as that sagacious statesman added, that Eustace was equipped with the indispensable necessities of a Circuit Judge, "*learning and integrity.*" Thus that rank stood, and was constantly filled by accomplished men. In the year 1726, the new office of Third Serjeant was added in the person of an able and honest Lawyer—Mr. afterwards Lord Chancellor Jocelyn, a promotion

said to be effected by his youthful companion, the well known Earl of Hardwicke. That nobleman resisted, in 1755, an attempt to put down, by Act of Parliament, the English order of Serjeant, and open their Court to the Bar at large; a decisive proof what advice he would give his grandson on the late arrangement. Similar sentiments operated on my late dear, and ever honored friend, Lord Viscount Avonmore, who often mentioned to me his wish, that such order, as at Common Law, should be established in this kingdom, and King's Serjeants selected from that body as in England. Nor had I any reason to differ from that great man, but a conviction that the union of both islands was cemented by the want of an original Inn of Court in Ireland. His Solicitor General was an unprincipled native, who was obliged to act under an Englishman imported by Strafford. Richard Osbaldeston became Attorney General of Ireland, and died in that office. His successor, Thomas Tempest, succeeded in 1640. The son of the former, George Wentworth, a near relation of Strafford, and the heir of his favourite prelate, Bramhall, were called to the Bar under Cromwell's usurpation, cunningly concealing an hatred to the ruling powers, from attention to property, or a prospect of personal promotion.

A clear and critical history of this island is peculiarly adapted to a Lawyer's pen. In most countries revolutions flow from a combination of causes, and may be accurately traced to different sources.

In

In this country a denial or misinterpretation of Law led to all its convulsions.—The former vice marked the reigns of the Tudors and Plantagenets, and the latter, weakly directed to absolute power, disgraced and dethroned the Stuarts. In every warfare of Irishmen, activity, strength, and courage, have been eminently displayed, and thus far may animate posterity to similar exertions, but the scenes have been too limited for military improvement, or exertions of exalted genius, even where they led to most important events,

These observations apply to that period when the misgovernment of Charles, and maladministration of Strafford, conducted the inhabitants of Ireland, of every sect and party, into the most general, lasting, and sanguinary civil war recorded in domestic annals. The King's Inns Society closed on the approach of that struggle.

The present, therefore, appears the proper period to describe a legal contest which the Society had, about the grant of the King's Inns, and to it may be principally imputed the decayed state of that monastery, and a total want of proper improvement correspondent to the growth of the capital, or the judgment and wealth of its legal inhabitants. This impediment hung over the institution from its revival until the close of Charles II.'s reign, and was occasionally brought into public exhibition in proportion as the claimant had pecuniary resources or ministerial influence to second the attack.

A long

A long contest was laid before Strafford, and from the singularity of the parties concerned, was transmitted to England. The complainant Walter Usher, an Alderman of Dublin, derived under Thomas Earl of Ormond, who obtained a grant from the Crown. The mutual pleadings recognise our preceding description, and particularly a grant to the Chief Judges, and *other professors of the Law*. The point in dispute was the validity of the grant to the Earl, on account of deceiving the Crown, and being in direct opposition to a reservation therein. Whilst *Usher* denying the preceding charges, imputed a similar defect and deceit to the tenure of the Society, who derived under Sir John Davis, to whom the Crown had conveyed the premises, and of which he had enfeoffed the then Judges, and *divers others, professors of the Law*, to the use, and upon confidence that the premises should for ever be a place for the “residence for the Judges of his kingdom, and other *professors of the Law* near the city of Dublin.” The answer further states, “that for that the Judges and other professors of the Law, were *noe body corporate, nor capable of any donation* in fee simple.” It was demised to certain Members of the Society for a term of 21 years, with an intent on the part of the Crown to renew the same. The latter suggestion was warranted by fact, and in other respects would be but a becoming compliment to the presumed wisdom of the Crown.

This cause was presented, and the pleadings addressed to the Deputy, not merely because the Judges
were

were parties concerned, but as it was the recognised custom of that day. Sir Henry Sydney expresses a particular pleasure on the appointment of Doctor Weston, an eminent Civilian, and Dean of the Arches, to the Great Seal of Ireland. That wise and honest Deputy adds, "he will be thereby eased from the usual drudgery of hearing private causes, and enabled to direct his unwearied attention to the general concerns of the kingdom." The reader must, however, tremble for the situation of the subject; Irishmen lay exposed, not to the imperious mandate of a Viceroy alone, they felt permanent establishments in the Presidency Courts with similar authority, and in which the Officers of Justice by regular succession acquired great landed property.

No final decision appears to be transmitted from England. But a pathetic appeal closes the defence, which, though it ought not to avail against the just claim of an individual, merits respect and remembrance, as pregnant alike with wisdom and public spirit. "It recites the necessity that provision be made for a place, in which all the Judges may reside together in one Society, not to force them to divide and disperse themselves into several places, but herein to observe the courses taken in England, and to conform thereto as near as may be."

I am sufficiently recompensed for an obscure, laborious, and unprofitable research, by the coincidence of such men: their opinion shall also animate me to fix the profession on a footing correspondent with

with English Liberty and Law; and above all, to tear from the structure the newfangled scaffolding of corruption or tyranny. During the usurpation we hear no complaints about the title. Usher was a loyal, and therefore a proscribed name. Apostates from every party, who formed the regicidal court of Cromwell, were not to be disturbed in their possession. In this period also, many extensive encroachments were made on the grounds by such men, and which property to a great annual income is enjoyed by their descendants or assignees.

The leading feature of this monasterial plunder followed the Viceroy's mandate, that the Society's right to a considerable part of their ground should be released to a courtly minion. I have even traced the devoted site, or holdings built thereon, on both sides of the river through derivative interests to present friends of mine: some descended from Judges of that period, and others enjoying under a legal purchase.

Of such evil example was the arbitrary and corrupt interference of Government, that leading members, in looking to future speculation or fraud, only gave to the courtly system, continuance and effect.

An order was made on the 10th of November, 1637, empowering the three Chief Judges to receive proposals for the outlying ground, and lease the ground (*in the words of the order*) for the good
of

of the house, and of their so doing therein shall make certificate to the Society, that thereupon they, or the greater number of them, may make such *further order* therein as shall be thought fitting. The separation of ranks, though so lately arisen, prevented any reference to the Society at large, for no King's Inns parliament was convoked; the silent spring of future mismanagement was in this manner prevented from executing a salutary controul. Thus, the ruin of King's Inns property may be ascribed to the preceding plausible protection. No reference was made, nor general concurrence solicited, by which means the estate was distributed as corruption or patronage directed. The value is ascertained in subsequent pleadings.

For in 1672, one Patrick Usher renewed the family claim by petition to Charles II. who referred the same to the Lord Lieutenant for enquiry or report. It passed without determination in that quarter, and was a second time transmitted to England—finally, Usher failed in his proof. The Society have no person or corporation to dispute or doubt their title since that period, except the Crown itself. Patrick Usher states the annual value of the matter in contest to have been, even at that time, fifteen hundred pounds: the reader will therefore easily conceive what the income would be at this day under proper management. However, the property attached to that monastery, and granted to the King's Inns Society, reached both sides of the river. What lies on the southern bank has been long since built up—
on,

on, and considered as part of this city, under the appellations of *Usher's-Quay*, and *Island*, whilst the northern portion bears the names of successful solicitors or grantees.

Lord Strafford wished to govern the Members by absolute authority, and under such influence to direct their learning in support of his civil and religious principles: yet architectural improvements were meditated on a scale adequate to his magnanimous disposition.—The Four Courts were to be newly built upon that site, with a suitable repository for national Records, an Admiralty, Star Chamber, and Prerogative Court, together with a Parliament House, and a surrounding Square to accommodate legal Practicers of every class.

The patient and enlightened reviewer of his administration must frequently suspend a detestation of atrocious and unremitting tyranny in just admiration of the profound and politic ideas which flowed from his genius dispensing immediate benefits to the nation, and extending them to remotest posterity, if monopoly plundered the inhabitants, or paralysed competition: yet new sources of trade were opened, and crippled branches of commerce revived.

Strafford seemed thoroughly to understand the nature of the Irish soil, and the concealed, as well as the ostensible materials for manufacture or wealth which grace this singular island. That enterprising Deputy personally embarked in these laudable pursuits,

suits, and by the blended weight of prerogative or purchase, acquired an immense landed estate in Ireland. In proportion as enlightened sagacity induced him to think highly of the country, a spirit of tyranny, seconded by official pride, urged him to hate or despise the inhabitants. Disgusted with the fawning servility of courtiers, or inflamed by the persevering spirit of opponents, his conduct seemed to waver amid the preceding extremes, whereby acknowledged talents were useless to his Sovereign, and ruinous to the peace of both countries. In unceasing attempts to controul political freedom, he was cruel, capricious, and corrupt, yet the volume of internal legislation owes to him a great and rapid improvement, which is well worthy the perusal and attentive observation of real patriots.

In an adoption of beneficial English Statutes, the two preceding reigns must yield the palm to Strafford's single administration. It is my intention merely to encourage enquiry, and not make a commentary, but where singularity occurs—some notice merits excuse.

It seems laws, hostile to public peace or personal security, still disgraced the Statute Book, though the Deputies of Elizabeth or James gave to the subject an apparently sincere, but partial or transient review. One circumstance merits peculiar and permanent attention: Statutes are referred to in James's repealing Act, which are not in print, yet nearly two centuries have elapsed without removing the
the

the national disgrace by an authorised and accurate inspection of the Parliament Rolls.

Strafford's legislation is not without blemish, nor can it boast of profound or original ideas; however, its humble imitation, and useful variety, merits considerable approbation. His immediate management of the people violated every hereditary or acquired habit, which could result from English Liberty or Law. Under such dominion, what reasonable hope of national industry or union? To be thus a patron of commerce or learning, is a contradiction in terms; though his great personal boast was to extend both, the real object inclined to encrease taxation, and make learning among Irishmen an instrument of national servitude. The usual operation of each would be thus counteracted, and society bereaved of their best effects. Without fatiguing the reader by a particular or lengthened illustration, two alterations in the Dublin University were peculiarly ill suited to that time, and have contributed to check the progress of general learning, and the Protestant religion in Ireland.

The native language was forbidden, and its types became a subject for seizure, or punishment of those who concealed them. Fellowships were also granted for life, which prevented a dispersion of clergymen remarkably learned through the nation.—Such persons ought also to receive the peculiar favour of Government. In our time the preceding measures tend to no general mischief, though they exhibit a spirit of
of

of tyranny counteracting at that period sound political judgment. The King's Inns Society yielded to the external pressure of Vice Regal authority and craft, yet the interior concerns were managed with moderation, integrity, and œconomy. An authentic extract shall be given to justify the preceding remark :

Die Veneris tredecimo die Aprilis, 1638, comptus Mauricii Eustace armigeri, primarii fervientis domini regis, ad legem infra regnum suum Hiberniæ, ac thesaurarii hujus hospitii de denariis per ipsum receptis, virtute dicti officii sui thesaurarii ad usum dicti hospitii, tempore quo officium illud tenebat, scilicet a vicesimo secundo die Novembris, anno regni dicti domini regis duodecimo, usque ad decimum tertium diem Aprilis, anno quatuor decimo regni ejusdem domini Regis.

Idem Mauritius sese oneravit cum viginti duobus libris undecim solidis et sex denariis sterlingis, per ipsum receptis, a Jacobo Barry armigero, secundo barone saccharii domini Regis Hiberniæ, nuper Thesaurarii hospitii predicti, vicesimo secundo die Novembris, anno 1636, pro denariis in manibus suis existentibus de remanentia compotus sui 22l. 11s. 6d.—Et subter oneravit se cum separalibus denariorum summis subscriptis, quibus in terminis subsequen-
tibus, recepit pro admissione personarum subnominatarum & super rotulum pensionum, viz. In termino St. Michaelis 1636, curia de banco, De Richardo Denny generoso, 10s.—De Jacobo Darcy,

Darcy, Armigero, 2l. 13s. 4d.—super rotulum pensionum termino predicto 6l. 16s. 4d.—In termino Hilarii, 1636—7, De Thomas Proctor, Armigero, 2l. 13s. 4d.—De Roberto Ardagh, Generoso, 10s.—De Thoma Mara, Armigero, 2l. 13s. 4d.—De Geraldo Fitz-Gerald, Generoso, 10s.—28 Jan. De Richardo Talbot, Armigero, 2l. 13s. 4d.—30 Jan. De Johanne Kelly, Generoso, 10s.—De Christophoro Turner, Generoso, 10s.—De Richardo Osbaldiston, Armigero, Attornato, (Domini Regis, Generali) 2l. 13s. 4d.—31 Jan. De Jacobo Walle, Armigero, 2l. 13s. 4d.—1 Feb. De Philippo Percival, Milite, 2l. 13s. 4d.—3 Feb. De Patrio Chamberlin, Armigero, 2l. 13s. 4d.—6 Feb. De Willielmo Ryves, Armigero, 2l. 13s. 4d.—3 Mar. De Willielmo Plunket, Armigero, 2l. 13s. 4d.—De Jacobo Cusack, Armigero, 2l. 13s. 4d.—Super rotulum pensionum istius termini, 6l. 17s.

In termino Paschæ, 1637, 28 Apr. De Radulpho Lebentrop, Armigero, 2l. 13s. 4d.—6 May, De Johanne Daly, Armigero, 2l. 13s. 4d.—27 May, De Willielmo Sambach, Armigero, secundo Serviente Domini Regis ad legem pro admissione suâ ad mensam justiciariorum 1l. 6s. 8d.—Super Rotulum Pensionum ist. ter. 6l. 5s.—In termino Trinitatis, 1637, idemque computans oneravit se cum quinquaginta libris sterlingis per ipsum receptis de Randall Beckett, Generoso, quos predictus Randall solvit ad usum hujus hospitii, pro fine pro termino annorum sibi facto in redditione de gardino et domo in qua modo inhabitat, 50l.—Super Rotulum

tulum pensionum istius termini, 8l.—In termino St. Michaelis, 1637, De Patricio Kirwan, Armigero, 2l. 13s. 4d.—De Galfrido Brown, Armigero, 2l. 13s. 4d. De Hugone Dudley, Generoso, 10s.—De Thoma Lovelock, Generoso, 10s.—De Termino Hilarii, 1637—8, De Philippo Fernsley, Armigero, 2l. 13s. 4d.—De Eugenio Dun, Generoso, 10s.—De Samuel Mullyneux, Generoso, 10s.—Summa totalis receptionum dict. comp. 148l. 19s. 10d.

Ex quibus denariorum summis, idem Mauritius petit allocationem separalium summarum subscriptarum, quas per mandatum justiciariorum predictorum solvit personis subnominatis modo & formâ sequenti, viz. Solutum per ipsum computantem Randall Beckett 15^o Decembris, 1637, 5l. 2d.—Solutum dicto R. Beckett, 2^o die Maii, 1637, 30l.—Solutum per ipsum computantem 4. die Julii, 1637, Albone Leverott, pro novo libro admissionum, 10l.—Solutum per ipsum prefatum computantem Randall Beckett quinto decimo die Julii, 1637,* solutum per ipsum computantem Martino Bladen *taxographo*, pro libro admissionum predicto, 4l. solutum per ipsum Computantem prefato Randall Beckett, septimo die Novembris, 1637,* Solutum prefato R. Beckett, 10. die Novembris, 1637,* Solutum dicto R. Beckett, 7. die Feb. 1637,*—131l. 17s. summa totalis ad solutionem dicti computantis sic remanet in manibus dicti computantis, 17l. 2s. 10d.—Et remanet in manibus dicti Randall Beckett ad usum hujus hospitii ultra ordinaria demanda

* The sums in the original are effaced or torn.

demanda sua, allocatur, per. Geo. Shirley, Ri. Bolton, Sa. Mayart Wm. Ryves.

Memorandum quòd apud consilium tentum apud le Kinge Inns De Courte juxta Dublin, tredecimo die Aprilis, Anno regni Domini Regis nunc Caroli decimo quarto, Willielmus Ryves miles unus justiciariorum capitalis placiae ejusdem Domini Regis, regni sui Hiberniae, nominatus & electus fuit, ut Thesaurarius hujus hospitii pro uno anno integro sequenti.

Die veneris septemdecimo die Maii, 1639—compotus Willielmi Ryves militis, unius justiciariorum curiae capitalis placiae, domini Regis, regni sui Hiberniae Armigero, Thesaurarii hujus hospitii, de denariis per ipsum receptis, virtute officii sui predicti ad usum dicti hospitii, tempore quo officium illud exquebatur, scilicet a tredecimo die Aprilis anno Regis, Caroli nunc Angliae, Scotiae, Franciae, & Hiberniae quatuordecimo, usque ad septem decimum diem Maii anno regni dicti Domini Regis, nunc decimo quinto. Idem Willielmus sese oneravit in septemdecim, libris, duobus solidis, et decem denariis, per ipsum receptis, a Mauritio Eustace, Armigero, nuper Thesaurario hujus hospitii, tredecimo die Aprilis, pro denariis in manibus suis existentibus de remanentiâ compotis sui, 17l. 2s. 10d.—Et similiter oneravit se cum separalibus denariorum summis subscriptis, quibus in terminis subsequen-
tibus, recepit super Rottula pensionum et pro admissione personarum subnominatarum.

Termino

Termino Paschæ, 1638, De Johanne Taylor, Armigero, 2l. 13s. 4d.—Super Rottulum pensionum ejusdem termini, 6l. 7s. 4d.—Termino Trinitatis, 1638, De Roberto Bradford, Generoso, 10s.—De Georgio Turnor, Generoso, 10s.—De Carolo Smith, Generoso, 10s.—De Thoma Richardson, Generoso, 10s.—Super Rottulum pensionum ejusdem termini, 7l. 1s. 8d.—Termino Michaelis, 1638, De Willielmo Hore, Armigero, 2l. 13s. 4d.—De Bartholomæo Fitz-Gerald, Arm^o. 2l. 13s. 4d.—De Rogero Brereton, Armigero, 2l. 13s. 4d.—De Olivero Jones, Armigero, 2l. 13s. 4d.—De Thoma Bennet pro redditu cervisiarii debito termino predicto, 1l. 6s. 8d.—Super Rottulum Pensionum ejusdem termini, 8l.—Termino Hilarii, 1638—9, De Gulielmo Brent, Armigero, St. 2l. 13s. 4d.—De Philippo Yorke, Armigero, St. 2l. 13s. 4d.—De Thoma Bennett, Generoso, pro redditu cervisiariorum debito termino predicto, 1l. 6s. 8d.—Super Rottulum pensionum ejusdem termini, 6l. 3s. 4d.—Receptum a Randall Beckett pro denariis per ipsum receptis ad usum hospitii a Abrahamo Moyes, 8l. 12s.—Summa totalis receptionum dicti computantis, 76l. 13s. 10d.

Ex quibus vero denariis idem Thesaurarius petit allocationem separalium denariorum summis subscriptis quas per mandatum justiciariorum solvebat personis subnominatis modo & formâ sequenti, viz. Solutum per ipsum computantem Randall primo die Februarii, 1639, 20l.—Solutum per ipsum computantem dicto Randall Beckett, 16. die Maii, 1639,

36l. 4s. 4d.—Sic Remanet in manibus dicti computantis, 20l. 9s. 6d.

Memorandum quòd apud consilium tentum apud le King's Inns de Courte, juxta Dublin, septemdecimo die Maii, 1639, anno Regni Domini Regis nunc Caroli, Scotiae, Franciae, et Hiberniae quindecimo, Jacobus Donellan, Armiger, unus justiciariorum communis banci ejusdem Domini Regis, regni sui Hiberniae praedictae nominatus & electus fuit, ut Thesaurarius hujus hospitii pro uno anno integro sequente die veneris vicesimo Junii, anno 1640.

Compotus Jacobi Donellan, Armigeri, unus justiciariorum Domini Regis Curiae suae de Banco ac Thesaurarii hujus hospitii de denariis per ipsum receptis virtute dicti officii ad usum predicti hospitii tempore quo officium illud exequabatur, scilicet a septemdecimo die Maii, anno Regis Caroli nunc 15^{mo}. usque ad vicesimum diem Junii anno regni dicti domini Regis nunc sexdecimo. Idem Jacobus sese oneravit cum viginti libris novem solidis sex denariis per ipsum receptis, a Willielmo Ryves milite nuper Thesaurario hospitii predicti, septemdecimo die Maii, 1639, pro denariis in existentibus de remanentiâ compotûs sui, 20l. 9s. 6d.—Et scilicet oneravit se cum separalibus denariorum summis subscriptis ad usum dicti hospitii, viz. Pro admissione Terminii Paschæ, 1639, De Thoma Browne, Generoso, 10s.—De Thoma Bennet, pro redditu eodem termino, 1l. 6s. 8d.—De Gosny Molloy, 10s.—Super

per Rottulum pensionum termino pred. 6l.—Termino Trinitatis, 1639, De Thoma Bennet pro redditu cervisiarii eodem termino, 1l. 6s. 8d.—De Georgio Carlton, Armigero, 2l. 13s. 4d.—Super Rottulum pensionum eodem termino, 5l. 16s.—Termino St. Michaelis, 1639, De Thoma Springham, Generoso, 1os.—De Patricio Boyton, Armigero, 2l. 13s. 4d.—De Johanne Baker, Generoso, 1os.—De Johanne Hely, Armigero, 2l. 13s. 4d.—Super Rottulum pensionum termino pred. 6l.

Termino St. Hilarii, 1639—40, De Thoma Bennet pro primâ solutione per ipsum datâ pro cervisiario et super rotul. pensionum termino predicto, 15l. 6s.—Termino Paschæ, 1640, De Thoma Bennet pro secunda & plena solutione considerat^s. per ipsum datum pro cervisiario predicto, 1ol.—Super Rottulum pensionum termino predicto, 4l. 11s.—Termino Trinitatis, 1640, De Johanne Forster, Generoso, 1os.—De Richardo Shee, Armigero, 2l. 13s. 4d.—Super Rottulum pensionum termino predicto, 5l. 5s.—Summa totalis receptionum dicti computantis, 89l. 4s. 2d.

Ex quibus idem computans solvebat separales summas sequentes per mandatum justiciariorum hujus hospitii. Solutum per ipsum R. Beckett, 12. Julii, 1639, 2ol. 7s. 1od.—Solutum per ipsum prefato R. Beckett, 2. Dec. 1639, 1ol.—Solutum per ipsum prefato R. Beckett, 12. Feb. 1639—40, 1ol.—Solutum per ipsum prefato R. Beckett, 10. die Junii, 1640, 3ol. 5s. 4d.—Summa totalis solutionum dicti

computantis, 7ol. 13s. 4d.—Sic remanet in manibus dicti computantis, 18l. 10s. 10d.—Postea recepit super rottul. pens. Term. Trin. 1640, 5l.

Die veneris vicesimo die Junii, 1640, memorandum, quòd apud consilium tentum apud le Kings Innes De Courte juxta Dublin vicesimo die Junii anno regni domini regis nunc Caroli, Angliæ, Scotiæ, Franciæ, et Hiberniæ, predicto, Willielmus Hilton, Armiger, unus baronum saccharii dicti domini Regis, Regni sui Hiberniæ prædictæ nominatus & electus fuit, ut Thesaurarius hujus hospitii pro uno anno integro sequenti.

Nono die Novembris, 1640, Memorandum quòd Thomas Tempest, Armiger, Attornatus domini Regis nunc Generalis eodem die admissus est in societatem hujus hospitii, & solvit pro admissione sua, summa, 2l. 13s. 4d.—Memorandum, quòd Michael Jones, Armiger, hodie admissus est in societatem hujus hospitii, et solvit pro admissione sua, summa, 2l. 13s. 4d.—Memorandum, quòd Johannes Bryver, Armiger, eodem die admissus est in soc. hujus hosp. et solvit pro admissione sua, 2l. 13s. 4d.—Solutum Tho. Bringhurst, per mandatum 9. Novembris, 1640, 5l.—Solutum sibi, 21. Novemb. 1640, 8l.—Solutum sibi, 17. die Decembris, 1640, 5l. 6s. 8d.—Memorandum quòd Georgius Barnewall, Armiger, eodem die admissus est in societatem hujus hospitii, et solvit pro admissione sua, summa, 2l. 13s. 4d.—Memorandum quòd Thomas Dongan, Armiger, eodem

eodem die admissus est in societatem hujus hospitii, & solvit pro admissione suâ, 2l. 13s. 4d.

The entries from the revival in 1607 (save one) are in Latin, and unite a mass of most distinguished national remembrances, to elucidate which, in the ancestry or descendants of the King's Inns Fellows, would form a long, but interesting work. Irish History could not receive a more correct commentary, nor our legal system a more extensive or accurate illustration. Let us try some of the persons admitted from 1636 to 1640, and mentioned in the preceding extract: their situations and families will support, in some degree, my position. First, *as to some of the Barristers*—James Darcy was nephew to Patrick Darcy, and engaged with him in the military and political field of Irish distraction. Richard Talbot, uncle to the famous Duke of Tyrconnel. Sir Philip Percival, ancestor to the house of Egmont. William Sambach, Second Serjeant, an active and busy actor in subsequent scenes against the unfortunate Charles. Geoffry Browne, said to be executed at Limerick by Ireton, *but which is a gross mistake*. William Hore of Dungarvan. Bartholomew Fitz-Gerald, ancestor to Prime Serjeant Robert Fitz-Gerald. Oliver Jones, afterwards Second Justice of Connaught, and a Judge of the Common Pleas. George Carlton, Clerk of the Crown and Hanaper, ancestor to our gallant countryman, *Sir Guy, Lord Baron Dorchester*. Patrick Boyton, Member for Cashell in 1639. John Hely, father to Lord Chief Justice Hely. Richard Shee, grand-son

son to Sir Richard, the Kilkenny benefactor in 1605. Thomas Tempest, an Englishman, then appointed Attorney General in the room of Sir Richard Osbaldeston, deceased.

Let us now review some of *the Attornies* before-mentioned, by a similar scale. Robert Ardagh, an evidence produced on the *trial of Lord Strafford*. Christopher Turner, father to Judge Turner. Samuel Molyneux, *father to the great Molyneux*. John Forster, grandfather to Chief *Justice Forster*, and *Gosny Molloy*, father to the respectable Author of the treatise *De jure Maritimo & Navali*. Even William Bladen, the printer of the book of admissions, was Strafford's and Cromwell's state printer, and so continued by Charles II. He filled the office of Lord Mayor in Dublin, and was the ancestor of a distinguished Irishman, Colonel Martin Bladen, the *Translator of Cæsar's Commentaries*, and his gallant nephew, Lord *Hawke*. There is no period from the year 1607 so barren of singular characters on the King's Inns Roll, as *from 1636 to 1640*, as if the Society was preparing for its temporary suppression amid the succeeding troubles. *Leverott the Herald at Arms* has escaped my research, and the reader will think he deserves it, for filling a station under Government, and leaving no memorial of official industry to perpetuate his own name, or illustrate the existence of others. The King's Inns Society does not, however, appear more obscure in its ancient history, than in the cloudy transactions of

of the last seventeen years, which shall be faithfully laid before the public in the third part of this Work.

Baron Hilton does not appear to have accounted, and is perhaps the only Treasurer who has a sufficient excuse in the pressure of national misfortune. A few more admissions close the legal list, until the year 1654. The new Attorney General applied, on the fifth day of December, for a passage through his garden into that of the Inns, on his Majesty's business, which, however, this petty official statesman soon deserted, and fled from Ireland under the alarm occasioned by the death of Wandesford, and the awful attainder of Strafford.—The minions of that unfortunate Viceroy were determined to persevere in selfish pursuits and tyrannic designs. *King or Country sunk under* this baneful ascendancy; therefore the Republic and Cromwell met in them prepared instruments for misgovernment or usurpation of every kind,

Let us, however, turn from official time-servers and impudent traitors, to men fertile in great and honest qualifications. The reader has marked in the preceding extract, the admission of Patrick Kirwan to the rank of Barrister. Whilst the misfortunes of Ireland encouraged and increased the vices of other persons, Kirwan's character has received an immortal and unfading memorial from that black period. Such was his active, incessant, and uncommon humanity, that upon the final settlement of the kingdom in 1653, the ancient estate was not
only

only preserved inviolate, but distinctions of personal safety and public respect superadded. We thus clearly see, that Christians of every sect properly appreciate human virtue, when a lust for power, wealth, or proselytism, does not smother such generous instinct, or induce deluded fanatics "to kill for the truth, and murder for God's sake." Cromwell's sanguinary government not only released Mr. Kirwan from religious disability, but confirmed every usual or preceding immunity attached to his station as a magistrate or a man. The scripture blessing seems also to crown his name in the lustre of a descendant.

Richard Kirwan is that gentleman's heir at law, and also a Fellow, or Member of the King's Inns. The throne of philosophy shall not separate such a man from our Society, any more than exile could in the opinion of Lewis XIV. expatriate the enlightened Bayle. The law has lent Kirwan to irradiate other spheres, to attemper climates, purify air, and extend God's comforts by a manurage of earth; but society feels its last and greatest blessing in a mild well managed Government, of which the English code is the firmest and most permanent prop. Then let me add, without a fear of contradiction or imputed falsehood, that my revered and amiable friend exceeds in extensive legal reading, and those patriotic feelings which should accompany such perfection, almost all his contemporaries. Corrected from the sternness or avarice of practice, that science is mellowed in Kirwan's mind, and exhibits alternately refined

refined traits of morality and public spirit. I shall solicit no excuse from Irishmen or Britons for thus uniting, by a resemblance of equal but uncommon virtue, two remarkable Members of the Society. The preceding quotations also prove that regular King's Inns Remembrances (if at all worthy of public attention) should not be confined to official or judicial characters, for the body at large refers to the most distinguished individuals and families who have adorned Irish annals, or been transplanted by exertions of heroism and wisdom to that fertile soil.

The preceding King's Inns account closes at the dawn of a civil war, and has, independent of every other singularity, the grace of a classic language to recommend a perusal—that circumstance induced me to incorporate it with this compilation; another novelty shall also accompany the original extract, and the reader be presented with a statement of the Society's receipt and expenditure for an equal period within the last ten years, and until the final transportation or transfer of the Irish legislature from the seat of its duty. Nor can the Union be deemed at all improper, though extremely different in point of time, each system of assessment or expenditure seems to the legal body of Ireland, but most certainly to Irishmen however dispersed, equally unknown: besides, lettered curiosity can only result from the former, whilst professional correctness, and the permanent interest of posterity may flow from the latter.

Balance

Balance immediately previous to Michaelmas Term, 1796, in the Treasurer's hands, 1008l. 4s. 6d.—Receipts in that Term, 3566l. 16s. 0½d.—Disbursements, 3348l. 17s.—At the same time there were in the Treasurer's hands, one hundred and six debentures at 3½l. per cent.—One hundred and twenty eight debentures at 5l. per cent. and twenty-four treasury bills at 5l. per cent. annual interest, of which large property the Society had no possession, nor could, without the Treasurer's good will, ascertain the identity or amount, for no printed statement of accounts then existed, nor was any knowledge of the Society's pecuniary concerns completely known to any man in the profession unconnected with the King's Inns cabinet.

Receipts of Hilary Term, 1797, with the preceding balance, 5732l. 9s. 5d.—Expenditure, 3869l. 9s. 10½d.

Receipts and balance for Easter Term, 1797, 2553l. 12s. 6½d.—Expenditure, 688l. 15s. 11d.

Receipts and balance for Trinity Term, 1797, 2589l. 6s. 7½d.—Expenditure, 1120l. 10s. 6d.

Receipts and balance for Michaelmas Term, 1797, 2656l. 8s. 5½d.—Expenditure, 632l. 1s. 1d.

Hilary Term, 1798, receipts and balance, 4199l. 16s. 4½d.—Expenditure, 3191l. 9s. 7d.

Easter Term, 1798, receipts and balance, 2680l. 15s. 11½d.—Expenditure, 766l. 11s. 4d.

Trinity Term, 1798, receipts and balance, 2272l. 18s. 6½d.—Expenditure, 1918l. 19s. 6d.

Michaelmas Term, 1798, receipts and balance, 1483l. 12s. 9½d.—Expenditure, 836l. 12s. 5d.

Hilary Term, 1799, receipts and balance, 2510l. 18s. 10½d.—Expenditure, 830l. 5s. 9d.

Easter Term, 1799, receipts and balance, 2844l. 13s. 8½d.—Expenditure, 836l. 0s. 10d.

Trinity Term, 1799, receipts and balance, 3906l. 5s. 7½d.—Expenditure, 1459l. 10s. 4d.

Michaelmas Term, 1799, receipts and balance, 3506l. 1s. 0½d.—Expenditure, 2540l. 13s. 8d.

Hilary Term, 1800, receipts and balance, 1865l. 10s. 3½d.—Expenditure, 1485l. 7s. 3d.

Easter Term, 1800, receipts and balance, 3845l. 17s. 8½d.—Expenditure, 1032l. 16s. 7d.

Trinity Term, 1800, receipts and balance, 3451l. 11s. 0½d.—Expenditure, 3404l. 9s. 3d.

The piercing eye of Wentworth would be startled at the above comparison, which exceeds the
relative

relative amount of national revenue at these different periods of time. Moderns are better armed with financial precedents than that great statesman, and as physicians often augur disease from extreme good health, so bankruptcy sometimes treads on the heels of most extended revenue.

No account or entry appears of Strafford's admission into the Society, nor even of Secretary Wandesford, who was Master of the Rolls; but his friend Sir George Radcliffe possessed chambers, and that prime favourite, Bishop Bramhall became King's Inns chaplain or preacher. These circumstances induce me to think, that many, and the most valuable documents, have been destroyed, either by negligence or design. The latter principle most certainly contributed to complete such scene. How many corrupt and jobbing members felt an interest in suppressing a cotemporary evidence of guilt, or what must form a posthumous proof to their dishonor—an expensive volume of admissions decorated by armorial bearings, marks the preceding Latin extract, of which curious and original work not a trace remains.

I also firmly believe, that the systematic plan of modern innovation has equalled in concealed, but effectual craft, rebellious convulsions or the lapse of time. The preceding proofs flow from an obscure, irregular, and almost illegible book, which seemed equally calculated to baffle lettered sagacity or laborious research. That appearance, like the blindness
of

of a Persian prince, possibly preserved it in existence amid a general destruction; such as it is, it shall be preserved in the King's Inns Library for public curiosity and professional inspection.

But I am leading the reader reluctantly to the precipice of a civil war, in which religious pretences seemed to sanctify uncommon crimes, and a zeal for freedom, unrestrained by integrity or order, buried in one common ruin ancient law, established government, and social happiness. To suppose the King's Inns Society existing or prosperous amid such a scene, would be a gross and unfounded libel upon a body of men who have in the most trying seasons supported the birth-right of their fellow-subjects, and in every great crisis of the Constitution stood forth the undaunted assertors of limited monarchy, faithfully directing their influence and learning in support of Religion, Liberty, and Law. Even Cromwell admitted, that in all consultations for new modelling the Government, Lawyers were for supporting the mixed form, a few corrupt or crafty individuals verging to despotic monarchy, or republican extremes, uphold a collateral exception, which rather tends to confirm, than weaken, the general acknowledged rule.

As historic events instruct posterity with unerring effect and inoffensive impartiality, a few observations on the state of both islands at that period merit excuse. In each kingdom contending parties professed an attachment to the ancient Constitution, but

but pressing principles to extremes, they subverted that venerable fabrick. Providence permitted an obscure faction of selfish hypocrites, and unprincipled fanatics, to scourge an humbled community, and render servitude itself more galling by the mean instruments employed in its support.

When Great Britain groaned under this disgraceful yoke, Ireland, weakened by factions more numerous and inveterate, continued the struggle for a longer period, but could not weather the surrounding storm, during which the Society of King's Inns poured forth enterprising Members into military ranks. Cromwell, Fairfax, Ireton, and Ludlow, had been either called to the Bar, or issued from Inns of Court to sustain military banners. Ireland also produced many legal professors or students who assumed a similar garb.

The firm, courageous, and disinterested *Patrick Darcy*, who derived his descent from the noblest blood in Normandy, Britain, or Ireland, and directed his learning or principles to the incessant exercise of every generous virtue which can dignify human character; *Geoffry Brown*, a man of equal integrity and bravery, but of inferior literary talents; the *corrupt* and *cruel* *Sir Phelim O'Neil*; the *patient* and *persevering* *Sir Nicholas Plunket*; the *furious* and *fanatical* *Hugh Rochford*; the *ardent* and *romantic* *Sir Audley Mervin*; the *mild* and *benevolent* *Sir Richard Bealing*, became active soldiers and practical statesmen.

At

At this melancholy period, Religion and Law, the ruling links of society, were wrested from their ordinary position. Thus, public peace was subverted by its usual supporters, which enlisted under such seducing banners, every Fellow of the King's Inns, who could trail a pike, or pen a pamphlet.

Even on the 10th of November, 1640, an Englishman was admitted as Attorney General, and the well known Michael Jones called to the Irish Bar. Little did the imperious Strafford, or courageous Ormond foresee, that whilst the public prosecutor was in exile or prison, a junior Fellow of the King's Inns would crush the arms of a Viceroy, and successfully sustain a republican flag in the Irish Metropolis. The youthful, learned, and spirited Members were thus employed in different positions, whilst the aged, ignorant, and feeble, had leisure to reflect on public misfortunes resulting from an union of causes beyond their influence to resist or delay. In the end, a group of republican regicides usurped the Government, who preferred the indulgence of *free quarters*, with the aid of *torture* and *martial* authority, to an exercise of common law, or its wholesome discipline.

Nor did Ireland feel an appearance of the latter blessing until Cromwell strangled that political monster. The usurper's criminal code was as little calculated to dispense justice with mercy, as his adopted civil system to unite protection with liberty. In trials of either kind, that first and eternal rule of justice,

justice, which presumes innocence, was exploded, and persons whose lives or properties were attacked, stood presumptively guilty from religion, residence, or connexions. The common law, however, merits this memorable applause: no court could be constituted under its forms, sufficient to enable the most abandoned Judges fully to execute the preceding schemes. Commissioners were therefore appointed in a civil and military line, with indefinite powers to exercise criminal equity, under which plausible, but deceitful term, life was successfully attacked, and property rendered completely insecure.

We find the criminal advisers of Strafford in the foremost rank; wretches, whose crimes provoked impeachment in 1640, were so successful in apostasy and treason, as to hold similar or higher offices under the republican government, and the usurpation of Cromwell. Such was the conduct of selfish and slippery flatterers, whilst *Hyde*, *Palmer*, and *Vaughan*, in the beginning of the long Parliament, resisted the measures of arbitrary Ministers, and with equal integrity risked life and property in counteracting the encroachments of a levelling banditti; an unerring proof of the strength and steadiness which usually animates a friend to limited monarchy and legal freedom. Thus, sovereigns may be equally certain, that the traitor to his country will be also faithless to his prince.

If successful rebellion renders resistance hopeless, subjects should not at least court a guilty connexion therewith.

therewith. Society is even interested in a detection of such conduct, and marking it with proper disgrace. No remarkable circumstance distinguishes the revival of the King's Inns under Cromwell, except that his administration was more liberal than that of the Stuarts. One hundred pounds a year was ordered from the treasury to discharge the expence of necessary repairs, and a gross sum granted in addition thereto for immediate expenditure.

That venal body of apostate Judges and criminal Courtiers, joined to their general duty a particular attention to the State usurper. Cromwell's family arms were elevated in the dining-hall with public pomp, and at a considerable expence, whilst those of the new republic stood in the back ground, and on a more economical scale: As Law thus corruptly practiced anticipates the wishes of Government with forward and obsequious zeal, whilst martial law prevailed, or military commissioners tried civil causes, we find some of the Members admitted into the Society of King's Inns, and even Chambers assigned to an Adjutant General.

“ 26th July, 1654, *William Allen, Esq. Adjutant General, &c.* is admitted into the Society of the Inns of Court, Dublin, without fine.” The reason of this application and admission is declared to be on account of his necessary attendance on the Court of Claims, which shews that he was a commissioner or prosecutor of forfeited estates. He had also an house near the Inns, built upon the estate of the Society,

and rented from that crafty time-server Sir Robert Meredith, to which ground the Members released, by the mandate of Strafford, their confidential right.

Our legal body had few Fellows of their house who more justly merited an exemption from ordinary oblivion, or to have his name revived for the salutary purpose of public infamy and example. Allen sprung from the dregs of the people, and had early signalised himself by brutal intrepidity amid the commotions of London. This conduct attracted the patronage of leading men; whereby he was enabled to attain the rank of Major at the time of Charles's murder. His known principles made Cromwell eager to engage him as a confidential servant. Under such guidance he came with a powerful patron into Ireland, and even served in the war against Scotland. An intimate connexion and long service under that profound statesman completed his personal manners and political education.

This afflicted country also furnished a theatre for the active and continued exercise of all his vice. Nor was Cromwell indisposed to acquiesce in Allen's desire to settle in Ireland.—An useful satellite was thereby provided for, and an intelligent spy fixed in a proper and necessary situation. His cruelties did not disable him from that service, as his business lay not with the natives, but the republican Commissioners and Generals; crimes at which the furious temper of Ireton, and humane zele of Ludlow, revolted,

volted, were rendered familiar to the public eye by this protected ruffian.

The hapless Papists were hunted like wild beasts; nor was the conscientious loyal Protestant treated with less severity. Free quarters did not give to the soldiery food or raiment, (the attainment of which in that manner will be ever abhorred by humane and gallant men) but accumulated property to the commander by the terrors of its infliction. Allen so far resembled *Kirk* or *Jefferyes* as to make the indulgence of cruelty an instrument of wealth. His views of property are thus faithfully described by a private letter :

“ We have here a great General Council to satisfy the arrears of our army. Pray for us, that now we come to possess houses we have not built, and vineyards we have not planted, we may not forget the Lord and his goodness to us in the day of our distress.” The reader can determine upon Allen’s official integrity as a Commissioner of forfeited estates, by the transport which accompanies such enjoyment, and the religious hypocrisy interspersed therewith.

His fellow soldiers, according to their respective dispositions, eyed him with envy, jealousy, or abhorrence. By this means individuals were encouraged to complain, and on undoubted and multiplied evidence he was *cashiered*. This sentence involved in its cause and consequences too many per-

sions to render the subject fit for further discussion.

Cromwell therefore, with his usual art, yielded a favourite to State necessity, and consoled the party by a civil office in England. A sufficient compliment was paid to judgment and cunning in the destined employment.—The department of spies was entrusted to him, which revived and extended the terror of his name through Great Britain.

This circumstance gave rise to as powerful and successful a device as ever distinguished a pamphlet. When Titus published *Killing no Murder*, that ingenious and public spirited Author gave it to the world under the name of *William Allen*. This ensured immediate and extensive circulation, and sharpened with a keener edge the dagger which it presented to the imperious usurper. The first interview after its perusal between Cromwell and Allen must occasion a singular embarrassment, even among practiced hypocrites.

It is, however, an acknowledged truth, that Cromwell from that time assumed a gloom which baffled all disguise, and became the timid expectant of that stroke which he so often braved in the field of battle. This precious and classic tract has emerged from unmerited obscurity, and is at this moment well understood and commented upon in countries where assassination has for centuries formed a leading feature in State policy. On the succeeding day the King's
Inns

Inns Roll received another Member famous for great acquisitions, but who is intitled to perpetual remembrance for the depth and energy of literary exertion, and still more for unabating patriotism. Calm, enlightened, and philosophic Sir William Petty felt the public pulse with professional skill;—in each exercise he wisely took the nature of man as his guide, and thereby infused the true spirit of physical research into political essays. These splendid productions did not attract popular or party notice, for they were unpolluted with systematic craft, and directed solely to the national good.

Montesquieu appreciated their worth by quotation, and thus proved them works fit for the perusal of patriots, philosophers, and statesmen. Petty's distinguished merit is locally and permanently fixed by an original act to the Irish soil. The Down survey is the only monument of that criminal period, the mutilation of which is a subject of just and general regret. Modern substitution has hitherto proved as unsuccessful as the laboured composition of Frenshemius, or the classic strength of Brotier, to supply the chasms in Livy's and Tacitus's immortal works.

Having faithfully laid before the reader the two honorary Members appointed under the Protector, it is my duty to reinstate the regular legal Society in its ordinary habitual position: "Ordered, That Sir John Temple, Master of the Rolls, shall be the Treasurer for one year, next ensuing."

"That

“ That the Treasurer for the time being shall acquaint the Bench with the names of all such persons as *desire to be admitted* into the Society, and have *their consent* before the admission be entered. That every admission entered in the book be subscribed by the Treasurer. That the entry of every admission into the book be made in English. That all Officers belonging to the Four Courts, all that plead at the Bar, and all Attornies that practice, shall be admitted. *Memorandum*: It is ordered, That Sir John Temple doe consider of the severall chambers in the Inns, and present unto the Bench such as be convenient to be sett out, for the Lord Chancellor, the Lord Chief Justice of the Upper Bench, and the Lord Chief Baron.”

It is observable, that the same liberal spirit and general privilege marked the preceding rules as distinguished the revival in 1607, except as far as party venom or republican presumption varied the rule. Practicers were not obliged to become Members or Fellows of the King's Inns. But the dignified privilege hung on the will of Courtiers, to whom the ancient site seems restored, and for whose particular benefit the bounty of Government was certainly directed.

If corrupt or misguided men felt an appetite for dominion, or a disposition to abuse authority, it could not be exercised within the body with consistency and effect, though the chief judicial offices were filled by the guilty minions of Strafford, now metamorphosed

metamorphosed into crafty Ministers of a Cromwellian Court.

At a second Council, application is ordered to be made to Government for one hundred pounds for the use of the house, to be particularly bestowed in making up the lodgings ordered for the Lord Chancellor and the Lord Chief Justice. At a third Council, Commons were settled.

“ Ordered, That the Bench table do pay fifteen shillings each, by the week, for themselves and their men, Mr. Wootton's Commons being cast in.”

“ That the Bar table doe pay seven shillings each by the week, and that the Saboath day be included.”

“ That the place lately used for the Court of Claims, and the chambers within the same, be made ready for lodgings for the Lord Chancellor.”

“ 21st April, 1657, Ordered, That Mr. Wootton may be desired to attend here to give thanks during the Term time, when the Judges meet in Commons.”

A lease of the Hanaper Office is confirmed to Mr. Carlton, the Clerk thereof, for sixty-one years.
“ 9th November, 1657, Sir James Barry, Knt. and John Byffe, Esq. do take the account of Sir John Temple, as Treasurer of this house.” “ 13th November, 1657, Ordered, That six of the oldest Barristers

Barristers Clerks be admitted to sit in Commons at the same table with the Judges Clerks." On the 29th January, 1657—8, "Ordered, That George Carr, and John Sanchy, Esqrs. be admitted to sit at the Bench table in Commons, as associates unto the Judges." The preceding connexion had been in use immediately after the revival in 1607, and continued during the reigns of James and Charles. Thus, a close imitation of the English Inns of Court was adopted at different periods by the Irish Society, and what must strike the reader with equal astonishment and indignation, an entire variance or independence from those venerable establishments has been created and cherished by modern hopeful innovations. Mr. Carr was Clerk of the Crown during the usurpation, in the Presidency of Munster, and Sanchy consoled, for an unsuccessful solicitation of the Solicitor General's place, by being appointed a puisne Baron of the Exchequer. On the restoration he was removed from the Bench, but left in the undisturbed possession of ample landed acquisitions, which became the principal estate of his descendant, through a female heir, the *late Lord Annaly*. "The Judges taking notice that several of the Judges doe absent themselves from Commons, whereby they cannot enjoy their society as they desire, they do therefore think fit to order that each Judge shall, for time to come, pay ten shillings each Term for his cast Commons unto the Steward of this house."

The reader will please to notice, that this grave and frugal Society commenced like young house-keepers,

keepers, with a greater number of attendants than experience finds necessary: A Treasurer, Under Treasurer, and Pensioner, marked their outset—For many years the two latter offices were discontinued as useless—The humbler situation of Steward supplied their place. Had the doctrine of taxation been as well understood as in our time, such servants might be deemed fully and properly employed in the collection of newfangled imposts and their subsequent misapplication. “Miles Corbet, Chief Baron, Treasurer, 27th November, 1657.”

“Thomas Wale petitions to be appointed butler with a salary of ten pounds a year. There appear no other appointments in the Society during the usurpation, either by deaths or removals, save a re-introduction of Randall Beckett. That forasmuch as his Highness hath caused conveniencies to be made at the Four Courts, for remanding the Records of the Upper Bench, Common Pleas, and the Exchequer, (now in the Inns,) unto the said Four Courts, it is thought fit, and ordered by the Bench, that the Chief Officer in each Court, or some other trusted Officer appointed by him, be present, to see them carefully secured.”

On the same day two remarkable applications were made for leave to practice as Barristers. Thomas Robinson states his serving many years in the Prothonotary's Office of the English Court of Common Pleas, being admitted of Clement's Inn, &c. John Brampton to the same effect; That he had
been

been a Student and Practicer of the Law of England, (he must mean in an Inn of Chancery) for a production of a certificate from one of the Four Inns of Court would entitle him to admission. Each gentleman states the civil wars as an excuse for defect of strict regularity, and appeals to the want of Barristers through the kingdom.

In whatever contempt or detestation the reader may be inclined to view the actors in such guilty scenes, certain resolves shew how difficult it is to eradicate from the human breast a reverence for virtue, and an attachment to existing Law. “Mr. Justice Dongan survived his brethren on the Irish King’s Bench in 1648.”

When the republican flag was boldly unfurled, and the proscription of one king followed the murder of another, this man resigned his station, though the Chief Justiceship was offered to him, (for his talents and integrity were universally acknowledged,) and the new Government wished to avoid the slur which the retreat of an undoubted Patriot and untainted Judge must occasion. Wealth and power were balanced against poverty and its attendant train. —The former lost their usual attractions when incompatible with personal honor. But Dongan was doomed, by fines for political delinquency, to feel the pressure of want.

Thus circumstanced, on the 7th of February, 1658, a republican Bench resolved, “That taking

taking into consideration the povertie of Mr. Justice Dongan, the Bench are pleased to let him continue his chambers in the Inns, and to excuse him from paying his pensions and cast Commons." The youthful reader, whose generous mind is untroubled by habitual hypocrisy, unseduced by political craft, may wish to know Charles's treatment to this man on the restoration.—Whilst Cromwellian apostates were continued or promoted, Dongan was, after a year's delay, made a *puisne Baron of the Exchequer*, without one acre of land to reward his stern unbending virtue; yet as

"Virgil to Cato paid one honest line,

"O! let poor Dongan's name illumine mine."

The preceding indulgence seemed to revive a respect for integrity and law, for the decision of the Bench on the preceding memorials was dignified, uniform, and correct, "they find that by the Statute of Ireland, that they may not admit them to practice as Counsellors at Law in the Four Courts, Dublin, but they judge fit, that they shall have liberty to practice in the several other Courts of this nation."

This disposition corresponded with the legal system, and shewed that they merely transferred allegiance from a Stuart to a Cromwell. There are some regulations relative to Commons in the usual ordinary method, but accompanied with what ought to mark legal Practicers in this country; therefore, the

the extract will have more weight with the reader than any feeble reasoning of mine.

The Bench wisely add, "*To the end the customs and observations here may be reduced to those of the Inns of Court in England.*" A close attention to that important principle in its full extent will dispense perfect freedom to Irishmen, and elevate this long depressed country to its proper rank in science, arts, and arms.

We must naturally suppose that an year and an half was occupied in repairing the ruined chambers of the Judges; the Chaplain was not therefore accommodated until the 20th of June, 1658, when it was Ordered, "That Mr. Henry Wootton be supplied with a Chamber in the buildings of Mr. George Carlton, and that the said Mr. Carlton be allowed fourteen pounds per annum, to be paid him by the Treasurer of this Society for the said Chambers, during such time as the said Mr. Wootton holdeth the same." As we find the Deputy, Henry Cromwell, entered a Member of the Inns, his office naturally entitles him to precedence. Ten pounds is allowed Chief Baron Corbett to buy plate for the house, a further incentive to future embezzlement or plunder.

William Basil was Attorney General previous to Cromwell's usurpation, continued during the Protectorate, and succeeded Pepys as Chief Justice. His entry on the King's Inns Roll is Attorney General to the State. It can scarce be called a blemish

to

to transfer allegiance from such a government to Oliver Cromwell. His services and situation enabled him to acquire large property, a considerable part of which was reclaimed by the legal owners at the restoration. Thus, the village of Donnycarney reverted to the Corporation of Dublin, and which Basil obtained as a bribe, on the settlement in 1653. He even resided on that part of the ground since rendered dear and interesting to Irishmen, as the rural retreat of the *immortal Charlemont*, "That man to whom the appellation of patriot may be more properly applied than any person whom this country ever produced." Steele was Lord Chancellor of Ireland;—he had been Recorder of London, Chief Baron in England, and was appointed Counsel at the trial of the unfortunate Charles. Some of his speeches prove him a Lawyer of competent ability, whilst his personal character was that of a proud, crafty, insincere man. He was raised by Cromwell (if it be not a contradiction in terms) to the rank of a republican Lord. The confiscated estates had been completely disposed of before this man came to Ireland, and Chancery had scarce any business but what flows from the Common Law side, so that Steele could not enrich himself even by the property of suitors through the medium of surrounding satellites; his ambition and avarice were therefore bounded by State confidence and salary.—This gave him a timely view of the restoration, and he secured his personal safety by betraying the secrets of Henry Cromwell to Clarendon and Ormond. Pepys was Chief Justice of the Upper Bench, to which situation

tion he had been removed from the station of puisne Judge in England. Obscurity is merit in a period teeming with every vice which can flow from irreligion or hypocrisy. We do not hear of Pepys as a judicial blood-hound, soliciting the properties of convicted criminals; let us therefore presume him reasonably innocent, and transfer some respect to the father of Pepys, Secretary to the Admiralty.—Sir Gerard Lowther, Chief Justice of the Common Pleas, died in April, 1660; he acquired a large landed property by steering with unprincipled craft through the boisterous ocean of cotemporary troubles, and dying without issue, left it to relations or friends.—A portion of the King's Inns was added to the plunder. He was succeeded by Cooke, the Solicitor for the Commons on the trial of Charles. Cooke's first Irish destination was that of a Provincial Justice, then puisne Judge, from which office he was raised to the rank of a Chief Justice, on the eve of the restoration.

Chancellor Steele made his peace with the new Government by betraying his wretched colleague, who had offended beyond the possibility of forgiveness by the strength and sincerity of his zeal against the Royal cause; he was therefore selected as an object meriting capital punishment. The theatre of his early treasons was reviewed by him for this melancholy purpose: accident also gave a companion at trial and execution fit to second his enthusiasm—such person was the famous Hugh Peters, whom Cooke thus disinterestedly describes in a pamphlet published

published about the year 1646: "A man of pure evangelical spirit, who goeth about doing good, and may be deemed a looking glass for others." *Qui optime meritus est de regno*. These fellow-sufferers did not forget the good things of this life in pursuit of religious or political visions. So early as the 20th of November, 1646, a considerable estate in the parish of Church Honnyburn, and County of Worcester, was granted by ordinance of Parliament to Hugh Peters, Minister of God's Word, and his heirs. Cooke was probably animated by the success of Peters to similar practices. It remained, however, for this distracted country to afford him a landed settlement; hither he came, under the patronage of Ireton, and as that staunch republican condescended to become Lord President of Munster, Cooke deigned to be a Provincial Justice in that Court. Though confiscated lands were to be sold for public debts, or given to debenturers, and the faith of Parliament pledged thereto, regicidal merit superseded the rules of public law, and private honesty. An house in Waterford, and two plowlands and an half within the liberties of that city, formed part of his reward; nor did he limit his ambition to the banks of the Suir, the harbour of Cork seemed better suited to his expanded genius; I therefore find, that the three plowlands of Barnehely (the beautiful retreat of my friend and cotemporary, Counsellor Thomas Warren) were added to the traitor's spoil. It will be in my power on a visit, to unite social pleasure with reflexion on the miserable state of society, when a senseless rabble enabled crafty associates to
trample

trample upon Religion and Law, and abuse the name of God to such destructive purposes. As the spirit of Christianity combines with the genius of Freedom in reprobating any measure but mild and unforgiving justice against the greatest criminal, I must condemn in unqualified terms the taunts and sarcasms which Cooke's Judges practiced against their former colleague and associate. Such an exhibition may suit, and yet disgrace the executioner. Even the latter has been branded for that baseness by a learned Law Lord in our day; I am therefore warranted to mark with animadversion, a conduct useless to existing Government, and highly disgraceful to judicial character.

The reader will not conceive it improper to review this traitorous Judge as an author. During the preceding troubles ancient Law and established Religion gave great disgust to arrogant innovators.—It required some delay and difficulty to attain a perfect knowledge of either, though little learning, and less judgment, was sufficient to exaggerate the prominent abuses or presumed imperfections of these social systems. A shallow and vulgar appeal of this sort was published against the practice and profession of the Law. Cooke answered the virulent libel in a tract, which for legal depth, classic taste, and extensive learning, would not disgrace Selden, Somers, or Hale.

Authors, however, resemble other men in assuming the tinge of cotemporary manners, and adopt the

the folly with that fervour which genius inspires. Such was the case of this unhappy man; religious enthusiasm tarnishes every page, and finally led him into courses of disloyalty and treason.

The Chief Baron last attracts our attention;—a wretch memorable for corruption and tyranny, without any personal good quality or literary talent to balance such enormous crimes. This obscure and infamous man was regularly bred to the legal profession, but long discontinued its practice. His broken fortune required a situation, and the party gratified that necessity; he therefore moved early in a subordinate military line, and rose therein with a tolerable character for courage and skill. Cromwell's piercing eye observed by his conduct, situation, and talents, that he would become a proper associate to those outcasts of every party, with whose aid and exertion he hoped to strengthen his position in a secondary line, or even attain the full measure of a boundless and criminal ambition.

Ireland seemed the hereditary feat of courtly adventurers, and lay exposed at this period to the republican band. Miles Corbet was therefore permitted to repose from military toils in the important station of Commissioner for civil affairs. The kingdom and its inhabitants having been tried, surveyed, and reviewed through every class, and in its remotest districts, the office was abolished, and a settled peace as to past crimes or confiscated property proclaimed by authority of Government. Com-

O

pensation

penfation had not then been sanctioned by the Legislature, or reduced on common occasions to systematic practice. Corbet's keen judgment fupplied that defect, and blends in one luminous act the craft, corruption, and unexampled prefumption of thofe upftart and innovating ufurpers; he therefore modestly folicted and obtained the ftation of Chief Baron, even in oppofition to the Irish Lord Deputy—for in 1655, when the Four Courts were to be re-established, Deputy Fleetwood fagacioufly remarks, that, in his opinion, two courts of juftice, the Chancery, and Upper Bench, would be fufficient, and caufes formerly cognizable in the Common Pleas, be tried in the latter. The legal reader muft fupprefs his indignation in the furprife which this extravagant propofal may fuggelt. He adds, with fuitable official modefty and luft for patronage, that he could offer fix, or more, fit Judges for the courts of juftice. The Common Pleas and Exchequer were to be buried by the fiat of this arbitrary enthufiaft. The lock of the Common Law, and the established key of the Treafury, (to borrow the phrafe of Lord Coke) muft melt beneath the prefure of a republican talifman, nor leave a trace behind. The Deputy fhewed himfelf a weak ftatefman, and his employers treated the advice with fuitable contempt. Corbet became Chief Baron, Treafurer, and plunderer of the King's Inns. He indulged the customary appetite for the Society's ground, and was exercifing fuch fchemes until the moment of his neceffary retreat.

The last legal effort of this extraordinary man was to puzzle the Judges about the doctrine of peremptory challenges, and the regularity of the form by which the attainder was brought into the Court of King's Bench. He was led to the one point by the authority of some ancient and ill-considered cases, and on the other it may be doubtful whether the Law, as it then stood, was not with him. An intelligent people were, however, fully satisfied of two things—that he was the person named in the attainder, and that his crimes merited death; which, adds an eye witness, who reported his case, the prisoner met with as little concern as he shewed in the Court, or at the perpetration of the treasonable deeds. The successful acquisitions of Corbet exceeded considerably the grants awarded to Cook. The former had been a regicide Judge, whilst the latter was a private Practiser in that singular Court. The rewards seemed also suited to their several ranks. The modern town of *Kilworth*, and the adjacent district of the *Condon's* was divided between Lord Deputy Fleetwood and this Chief Baron. These political rivals had even a dispute about the change of its Irish appellation, *Cloghleigh*. Finally, the Lord Deputy triumphed, and the seat of his nativity prevailed. Thus, a Leicestershire plain seems transferred to an Irish mountain, and the crimes of two traitors exhibit a permanent record to the wearied traveller and wandering highwayman. The other Judges were either continued and promoted by Charles, or permitted to enjoy the fruits of treason in private life. Cromwell's administration sup-

pressed the rank of Serjeant in Ireland. King's Serjeant bore too emphatical a reference to an abdicated title, for innovators or regicides to uphold it as a part of the legal system; no such Officer appears during the usurpation, though engrafted on the Irish Constitution from our earliest records. Surely modern Lawyers and an enlightened nation can see no reason why that supreme rank in the Common Law collegiate degrees, should be sunk or sullied in this kingdom. It may correspond with the blackened administration of a regicide, but not with the government of a patriot king, whose pride and practice it has been to preserve, extend, and improve the full similitude of English Law in his ancient and loyal kingdom of Ireland. The Attorney Generalship was vacant, and an amnesty granted to Shepcott the Solicitor General. Having thus disposed of the principal figures in Cromwell's legal drama, I may be allowed to dismiss the lesser satellites under the class of mutes or messengers.

As mankind are familiarised to an æra of usurpation by the transactions of a neighbouring kingdom, and the continental convulsions of Europe, it can never be ill-timed, and seldom unuseful, to review the struggles which succeeded the murder of an English King; the reader must therefore indulge me with a few professional remarks upon the innovations which subverted English Law in both islands. Whilst general historians exercise eloquence or art in explaining the principles of Government, and party writers indulge personal enthusiasm in ascribing

ing

ing anarchy or despotism, as best suit interested views, or temporary popularity, be it the fairer duty of a legal compiler to limit argument by fact, and presume the happiness of mankind to flow from a mild spirit of legislation. The horrors of civil war will thus bear an aspect of double mischief, dealing out misery of every kind in the immediate movement, and dispersing, with unerring certainty, settled tyranny to the rising generation.

Without wasting time about the comparative merits of parties, let us mark the result : Two branches of the Constitution were completely cut off ; the one existing in an impoverished exile, the other still more degraded by an enslaved residence within its native land. Did this depression of superior classes elevate the people to a scale of settled and well-balanced freedom ? Nothing less ; human events combined with the will of Providence to bereave them of their ancient legal privileges, without any power, to substitute a new arrangement in their place.

The triennial law was considered as a dead letter, for no new election presented itself, either upon the old system, or according to any theory (however delusive) of representative reform. In this manner was the Legislature upheld in despite of a new made remedial law, whilst a foreign war, aided by general domestic discontent, furnished a plausible pretext for the continuance of a powerful army, whose members considered themselves the real Spartans of an helotic government. Were the ancient laws permitted to

to shed their salutary influence over a people thus deprived of political freedom? Where the fences of criminal law are broken down, property loses half its value, and the heartstrings of industry are rent asunder. In former periods, when successful usurpation disgraced the monarchy, or peerage, the sword of war became quickly a peaceful instrument, and Common Law trials superseded the martial system.

The peculiar aggravation of republican power consisted in an abrogation of Trial by Jury, by which the national integrity was calumniated, and an hapless Briton or Irishman immediately and entirely consigned to tools or minions of executive magistracy for exile, torture, or death. As life was thus rendered insecure, pecuniary punishments scarce deserve consideration; yet how entirely did they vary from the well-tempered English code! Criminal Courts of Equity were created and established in different districts, without any reference to existing or ancient law: the presiding Commissioners exercised a civil inquisition, and by secret or unsworn evidence, satisfied their consciences in awarding fines for active political delinquency, or a neglect of proper party zeal. Under such a sentence the entire property was sequestered, and subject to added expence of novel and extraordinary legal costs.

Did the impoverished proprietor feel any relief from the exercise of Christianity? That consoling refuge became an additional malady, and if, as an
ancient

ancient father conceived, malady be the true state of a Christian, government confirmed this orthodoxy by aggravated oppression. The established Church was proscribed, and its votaries or priests felt persecution, whilst selfishness or vanity enabled republican enthusiasts to mould scripture to the most singular purposes, and join to the strength of human authority, the visionary influence of evangelic inspiration. Such was the state of England in respect to Religion and Law; the reader will probably believe morality not exalted by the depression of legal freedom, but that the genuine spirit of both evaporated under selfish innovation.

Scotland and Ireland may well excuse a participation in the preceding position, and feel no humiliation from not joining the republican band. But they had crimes of a deep dye to atone for—adherence to their King, and after his murder, to the heir of monarchy, distinguished a most respectable portion of each. That loyal body underwent the horrors and consequences of unsuccessful war. The triumph of envenomed foes was embittered by a reflexion that internal treachery completed that sad disaster. An extensive attainder and military discretion ruined, or afflicted Scots Presbyterians, who felt that political zeal, and not religious enthusiasm, extended to a neighbouring kingdom their famous covenant.

Amid this melancholy gloom I see no resemblance of general or particular franchises, save in the emancipation

cipation of dependant clans from the power of their chief. But if motives dispense the true merit of acts, little applause can result therefrom. It was a signal for military and family disunion, and not a regular call to equal laws, or general freedom. In that respect, and under such a government, Scotland was a blank among surrounding nations.

The full measure of human calamity was meted to Irishmen, and extended, though in a different degree, to all classes. A complete exemption could only arise from treason to regular established Law, and by a violation of every engagement which bound patriots to their King or Country. As if the surrounding scenery was not sufficiently afflictive to humane and conscientious Protestants, such character not only covered men with temporary disgrace, but became a settled source of distress and poverty. No amnesty was promised or published to practised loyalty or active courage, but upon payment of two years income, and a third part of the entire personal property. Let us look into the annals of arbitrary taxation or Turkish tyranny, and the preceding legislative act is without a parallel. In a country breathing from the scourge of eleven years inveterate war, and utterly destitute of any species of wealth, save the produce of the soil, the hapless proprietor was to feel his income measured, not by the existing value, but what it might produce previous to the year 1640, a period of internal peace and national prosperity. With equal justice the South Sea Stockholder, in 1720, could be called upon

upon to pay in proportion to its marketable currency previous to the well known fall. Such an imposition rendered impoverished landholders dependant slaves to Government, or enforced an immediate sale of estates.

I do not dwell on the measure dealt out to Papists for imputed crimes, or religious principles. The reader can, without legal research, make a comparative estimate by the zeal with which bad men systematise persecution, when it is productive of property or plunder; besides, my object is to illustrate the protection which a fanatical crew gave to honest and honorable followers of the reformed religion. As republican ideas first flowed from the Protestant quarter, the discussion may lead to a lasting caution against similar innovation. If so sanguinary and corrupt a government became settled or permanent, a patriot would be almost excused for thinking with the Stoic, that human misery admitted of no remedy but poison, no relief but death. The political monster, however, suddenly sunk under the courageous ascendancy of a practised pupil, the best and bravest action of whose life was that manly exertion.

It exceeded even the impudence of Cromwell's craft, to refuse a new legislative Assembly. Let us review the principles upon which it was established: The right of franchise was wrested from legal proprietors, and confined to political zealots or mercenary partisans. Military interference became an electioneering

pioneering order of the day ; and we have evidence, that where corruption could not influence, terror was directed, or direct force exercised. Under such practices elections were held ; the returns appear subject to a controul, equally novel and illegal—a Commission authorised the executive power to enquire into the personal qualifications previous to admission. By this ordeal, the temple of legislation could not be approached under the most unanimous expression of popular will.

The independence of monarchy was assailed by unwise or dishonest innovators in the long Parliament ; but representative freedom was thus rendered subservient to executive authority. The outworks of tyranny were also strengthened by another usurpation, variant from ancient established law, and utterly subversive of democratic rights. Electors became subject for abuse or improper claim of such right to a specific penalty—recoverable, by whom—the *Government itself*. If an informer appeared, half the sum rewarded his patriot zeal, however a minion of power may attend at the poll, and by well-timed collusion sanctify improper votes ; for Parliament had no internal authority to correct the mischief, or to vacate the entire election. Where such undisguised fraud was successfully practised in England—Scotland and Ireland were allowed no exertion which did not contribute to the mantle of general slavery ; the latter Kingdom did not even enjoy a semblance of representation adequate to its assessments.

ments. To crown the system with superadded ridicule, uniformity was not even upheld during the short period of the Protectorate—Parliaments were elected under contradictory constitutions.

Meantime that Executive was completely absolute, and in its public measures equally absolved from ancient law, or modern improvements—if a crime was imputed to the subject, law books were consulted to ascertain his guilt; but that venerable depositary became insufficient to protect innocence. Property also seemed destitute of its usual aid—no hereditary judiciary body blended its own security with fellow-subjects on an uniform permanent plan. Thus, whilst judges faded or bloomed under the breath of an usurper, a single corrupt or inadequate court may commit an injury of the most alarming or extensive nature, without the possibility of review or reversal. This defect became so glaring as to meet universal reprobation. Patient slaves united, with furious fanatics, in a claim for redress—the relief was perfectly inadequate, but gave added strength to usurpation.

A species of mongrel peerage was created, destitute of its noblest characteristic—hereditary security. By this means each member became bound to continue the vassal of Administration, from a wish of continuing the succession in his family—a more incumbent fear also oppressed him: he was not released from the double terror of a trial by commoners, and under a new-fangled Court of Justice. In this manner

manner the people, equally by their servility or discontent, were paving the way to a limited monarchy.

Cromwell differed, by a double singularity, from the Sovereigns of his time—his assumed power was not only bottomed upon usurpation, but progressive oppression rather led to an hereditary settlement, than to his dethronement or death. I will not insult the reader's judgment by asking, could legal liberty flow from such a system; nor solicit excuse for affirming, that if national manners, or Christian principles, had not formed a strong counterpoise to its complete operation, a Turkish government would gradually, but inevitably, emerge from that rank soil.

Even during Cromwell's usurpation, every vestige of English liberty seemed removed. The Habeas Corpus melted under arbitrary imprisonment—Judges were released from the drudgery of delay or deceit, by a refusal, on the part of executive magistrates, to obey the writ. The nation was cantoned into military districts, and civil authority rendered subordinate; crimes were not merely punished, but suspicion warranted enquiry, and court hatred insured conviction. The Government did not support itself by open vigilance, or concealed information, but recruited exhausted finance by partial plunder, and dispensed, by this melancholy example, a similar appetite through all its partisans,

If

If an added gloom could pervade society, or divide the members by encreased and inveterate hatred, religion presented, in monstrous and impassioned abuses, ample ingredients—the reprobated vices of exploded systems were rigorously adhered to; and, as preceding persecutions flowed from self-interest, vanity was now superadded. Each enthusiast united the privilege of explaining Scripture with an ardour to circulate and enforce the favourite novelty. Government profited by the epidemic madness, and exertions which could not be warranted by human authority, were consecrated as springing from divine inspiration.

Even the law must recede from old foundations, and its principles be new moulded to sustain selfish innovators, or humour a brainless populace. However, that system was inseparably interwoven with ancient limited monarchy, independent hereditary nobility, and well balanced national freedom; each crude attempt was therefore rebutted by its majestic principles, whilst cruel and unrelenting tyranny proclaimed laws lasting triumph—in the awful exhibition, that property, liberty and life, are only secure and valuable, as the legal Constitution is understood, attended to, and revered.

Such criminal and convulsive events afford instruction, equally striking to the loyal and disaffected.*

The

* Immediately after the Thomas-street insurrection, in 1803, unknown to Government, and uninfluenced by its patronage, I addressed

The preceding statement fully proves that Monarchy is not more congenial with our law, than with the established habits of the people. Influenced and emboldened by this sentiment, Cromwell revived its abolished authority; but that sound statesman was prevented, by the vices necessary to support usurped power, from completely resembling an English King; which embarrassment equally operated against the free exercise of his wisdom, and the natural indulgence of family feelings, or personal ambition. That singular situation gave a new edge to *Killing no Murder*; it strengthened suspicion, and encouraged cruelty. Such feelings confounded bravery, and clouded with discontent his private life. Thus the alternate feebleness and tyranny of Cromwell's government led, with an equally unerring effect, to the restoration of Charles. It is not my intention to brand that monarch with unbecoming severity, or exalt him with a partial and devoted zèle.

Yet the Government of this country entitles him to considerable applause. The preceding century, almost without intermission, exhibited Irishmen of every

addressed (under the signature of *Molyneux*) four Letters to the people of Ireland. The last was a criticism on the *Republican Manifesto*, and published in the Dublin Journal on the 13th of September. I only mention this circumstance, to prevent any similitude to that Letter from being considered *as Plagiarism*.—I promised one on the Legal Constitution of Ireland—it is unpublished, though finished; and may probably, with others, see the light on my death.

every descent and religion in a state of civil war. Pagan persecution did not engender more cruelty than Christian sectarists, and kindred or countrymen practised against each other, whilst the landed property was shook in every quarter. Charles felt for such calamities, and as the natives of this kingdom did not wound his feelings by a display of rights or grievances, he became affectionate to them. His published correspondence and communication with Ministers, does equal honor to his head and heart. It has, I confess, softened my dislike of his concealed hostility to our civil and religious creed.

Unaffected affability of manners gave this Monarch a powerful ascendancy over the higher, and a settled popularity with the lower classes of his subjects. His opinion of the purity, perfection, and permanence of Law, widely differed from his prejudices on the subject of political freedom. His judgment on the former was just, solid and profound; on the latter, narrow, superficial and selfish. Our present review is, however, confined to the legal management of Ireland.

When the preceding victims were selected, policy combined with humanity in leaving matters nearly on the old footing. Charles knew by experience, how arduous a task it is to overturn an established Government, and with what ease legal practitioners conform to a system sanctified by time and precedent,

in preference to plausible innovation, or the crude suggestions of interested usurpers. Mountrath, Orrery, and Sir Maurice Eustace, were at the outset Lords Justices, and Ormond finally appointed Lord Lieutenant. Discordant parties at that time disapproved of an Administration, bottomed on the basis of a general union. Time consecrates its wisdom, as best calculated to heal preceding divisions, or to call for the undivided energies of a free people.

The personal temper of Charles confirmed the adopted system ; he is not to be ranked among those weak princes, who surrender their persons and power to second the views, and support the selfishness of Ministers. His private regards seldom interfered in the choice of servants—the name of a favourite, does not, therefore, disgrace his reign. The legal servants of the Crown in England did honor to his discernment, and reflect lasting credit on the great Earl of Clarendon. *Bridgman, Hale, Palmer, and Finch*, were men calculated to dispense English law with untainted integrity and enlightened skill ; nor was the interest of Ireland unattended to in a similar arrangement.

Sir Maurice Eustace, a man of respectable family, unblemished reputation, and extensive connexions, was appointed Chancellor. Sir James Barry, a Baron of the Exchequer, an experienced Judge and able statesman, was appointed Chief Justice of the King's Bench, and created a Peer by the title of
Lord

Lord Santry. Sir John Temple the Cromwellian, Master of the Rolls, was continued in said office.

Notwithstanding my partiality to the father of the classic and accomplished Sir William Temple, I must brand this man with active and selfish disloyalty: his connexion with Dr. Hammond gave him an easy access to Charles I. who honored him with confidential intercourse. The battle of Naseby cured Sir John of an obsequious but interested attachment; and when the Cabinet of that unhappy Prince was published with malignant comments in the same year, and with a purpose equally cruel and destructive, Temple's History of the Irish Rebellion reached the light. This completed the ruin of the Royal Martyr, and enabled a republican party to avow its existence as necessary for national vengeance and freedom. Where a man forgets his bounden allegiance, subordinate political members must prepare for treachery at the call of private interest or safety. I therefore willingly believe that Temple rendered essential aid to the Restoration, and merited amnesty, but not confidence.

Charles seemed to be of my opinion, as to the object and effect of the preceding book; for hearing that a new addition was to come out in his reign, he wished to prevent it, by letter to the Viceroy, from a full conviction that a revival of the calumnies directed against his unfortunate father must create a similar suspicion against himself. King's Inns
P property

property seemed always a fair professional pursuit. Sir John, and his son the Solicitor General, for two generations enjoyed the successful traffic. Justice Donnellan was created Chief Justice of the Common Pleas. Byssé, Recorder of Dublin, appointed Chief Baron—a man useful to every party which employed him, and by no means scrupulous in the exertion. He obtained in the late troubles a part of *Preston's Inn*, near *Cork-Hill*, whereon he built a residence, known by the name of the *Chief Baron's House*, until subsequent city improvements caused its demolition.

The law servants of the Crown were all Irishmen, as were a majority of the preceding judicial characters. Englishmen of the first class did not look for such situations, and Ministers adhered too strongly to the interest of their master to comply with the solicitations of inferior persons. An early and applauded act of the new Government was to restore the First and Second Serjeant to their accustomed rank. The ancient symmetry of the Irish Constitution required this correction of republican innovation, and the name of Prime, or King's Serjeant, was endeared to royalists by its appearing inseparably interwoven with the existence of Monarchy. Sir *Audley Mervin*, the new Speaker, was appointed to that station: his tried talents in a civil and military line entituled him to such a place, an office already filled by three Speakers, and which had been held (until the usurpation) by Sir Maurice Eustace, the new Lord Chancellor. Since that period, if a
few

few weak or worthless men have been Prime Serjeants, Be it remembered, that the legal talents of a Bernard, and Singleton; the eloquent powers of an Hutchinson, and a Burgh, were displayed in that official situation, and the full union of both perfections in thy person, O all accomplished Malone! A man who would be entituled to a complete competition with *Cicero*, if he united *philosophic research*, or *lettered composition*, to *professional exertions* and *senatorial talents*. The Second Serjeant's salary was at this time also encreased, and permanently fixed upon the establishment. A peaceful union did not long mark the King's Inns, which arose from a trifling incident, but was attended with singular events.

Among the Judges were *Sir Jerome Alexander*, Second Justice of the Common Pleas, and *Sir William Aston*, Second Justice of the King's Bench: the struggle was about *precedence*. The King's letter for the latter bears an earlier date than that for Sir Jerome. Patents pass on the same day, and both are sworn together. Sir Jerome Alexander was ancient in the English Inns of Court, and published the case in a guarded, polite, and learned manner, with his name annexed thereto. To this an anonymous and acrimonious answer was given. It was imputed to Sir William, as his side of the question was not only vindicated, but some presumed conversation between these legal knights introduced and animadverted upon. The well known Patrick Darcy was sent to demand an explanation, and a *regular challenge succeeded*, on Sir William's refusal to

make the slightest concession, or even to explain the fact. Though Aston figured as a *Colonel during the late usurpation*, he declined the combat, and even applied for an information against Darcy.

This application was refused by his brethren, as Sir William did not deny in his affidavit, that he wrote the libel, or was privy to the publication. Thus, the breach was drawn wider, and this infamous Judge brought Darcy upon his shoulders. Official robes operated like a consecrated cover to shield the wretch from an horsewhip, but he was disabled from visiting his native country until Darcy's death, by the terror of such infliction. This singular event operated like a patent of indemnity for duels, and covered attempts to punish such provocations in younger persons with ridicule. Charles, notwithstanding his contempt for the cowardly libeller, resolved to remove them both, and was with difficulty prevailed upon to withhold such just resentment. With respect to the character of these remarkable men, Aston will appear in this History a profligate rogue, and deceitful Treasurer; and Alexander was undoubtedly a man of strong passion, but great integrity, and known public spirit. He even left his library, among other bounties, to Trinity College, being probably too wise to trust such a bequest to King's Inns associates, or judicial brethren.

The foregoing trial by battle, the reader may imagine, settled the law and practice of precedence among

among Judges for succeeding generations; when lo! an equally singular dispute arose in James's reign between two similar persons, in which the claimant neither shewed personal spirit, nor legal judgment. He was appointed a Judge of the King's Bench in the room of its senior *puisne*, and demanded precedence as such, without allowing the existing Judge to advance thereto. Had the wretch not been as deficient in professional learning, as in gentlemanly manners, the point was explained in Law Reporters, and must be obvious to every man of common sense. The contest was managed with correspondent decorum—they tore each other's robes in mounting the Bench, and seconded the assault with language as brisk, adds my Author, as could happen among women.

A Parliament was summoned, and having continued for some few years, such an assembly was not convened during the remainder of his reign: it traitorously settled hereditary revenues upon the Crown, and thereby sealed its own extinction; even in an act of revenue, which the Crown had a just right to expect in perpetuity, it being a compensation for the hereditary feudalism of wards and liveries; a gross fraud was committed against the peasantry of the land.—To them no privilege was granted; no redemption of income conceded; estated men alone felt the benefit, whilst the burthen was laid on the nation at large, and the labourer obliged to work eight days for the privilege of an hearth, with another week exhausted in statute or road labour.

Thus,

Thus, a review of ancient Law exhibits the superior comfort and justice enjoyed by the cottager or artisan of our time. These respectable and honest classes of society are released from the latter grievance, and the former modified in such manner as nearly to do away the original wrong. The nation encreased in population and commerce, so as to repair in twenty years the mischiefs of a preceding century. The King's Inns Society moved on in noiseless languor, merely reviving the preceding orders and penalties about Commons, for it was not thought decent to adhere to any regulation under Cromwell, though some certainly merited imitation or continuance.

In September, 1662, the following order was made: "That the rooms, late the Records of the Court of Exchequer, be lett unto Sir George Lane, Knt. for the use of *the Castle Chamber*, at such rent as the Steward of this house and he shall agree upon." It may startle such readers as prefer the settled security of established Law to the benevolent or politic disposition of transitory administrations, when I assure them, without the fear of refutation, that the Court Starchamber (or, as it was called, *Castle Chamber in Ireland*) both by Common Law and unrepealed Statute authority, still exists in this island. I am not fearful of its practical revival, but legal safety should not hang on the frail virtue or fleeting existence of any man. Irishmen will not bear to hold their franchises by a base tenure, not even at the will of Majesty.

Our

Our union enforces an assimilation of Irish with English Law in all possible points. Meaning to lay a full comparison before the public in a short time: the reader should not be thus troubled by the recital, but the measure fell in my way, and it would be impiety to overlook it. The reader will even find, that in 1669, Charles II. with a proper family spirit, instructed a new Irish Viceroy to extend and improve the practice of this Court in the following manner: We are informed, that small profit hath heretofore come to our Exchequer by Castle Chamber fines, though misdemeanors proper for punishment in that Court are many. It was therefore earnestly recommended to resettle and uphold the honor and jurisdiction of that Court for the repressing exorbitant offences, wherein the learned Council were to do their duty faithfully. Thus, Charles upholds my opinion, that it was not legally dissolved. Even in 1692, heads of a bill were introduced to abrogate in Ireland the Castle, or Starchamber, whereby the reader can perceive that a Chief Governor who would introduce its practice, could not be convicted of doing an illegal act, though proper principles of policy or humanity may revolt at the revival. On such foundation a King's Bench Judge probably bottomed his opinion, when he said, that Castle Chamber authority and discipline merged in the King's Bench.

November 28th, 1663, the following order is made: "That all Benchers, Counsellors, Officers, Attornies, and other Members of this Society, shall
pay

pay their cast Commons and Pensions according to the former order, upon the penalties therein expressed." The above equal and just resolution deserved enforcement by expulsion from the Society, which would be an ample and adequate punishment. An attempt to support such rule by a prevention from practice, were it ever so legal, defeated the object by the extravagance of the measure, and was therefore never acted upon.

In the year 1664, a petition was presented to the Duke of Ormond by the Steward of the Society, that soldiers were quartered in the King's Inns, and he assessed on account of residence there. It was referred to the Lord Mayor and Sheriffs, who denied that they gave any such orders. However, to remove all doubts upon the subject, Government made an order, That the site of the King's Inns, or in the possession of the Judges, or any other of the Society, should be privileged from such imposition. I record the preceding circumstance from a conviction, that whenever the intended chambers are finished, the Irish Viceroy will revive and sanctify the ancient exemption.

The reader must at last be relieved from the languid dullness of King's Inns extracts, and the observations which accompany them, by an illustration of a matter which ascertains the birth of as great a genius, and as unbending a patriot, as ever graced this country. It also recognises the account given by that eminent man of his family and parentage,

rentage, supported by an undoubted document of his father. In 1665, *Jonathan Swift* memorialises the Bench for the office of Steward, or Under Treasurer, modestly stating, that he was qualified for the employment by being an assistant to Mr. Wale, who lately filled that situation. He further set forth, that his father and whole family were loyal, and faithfully served his Majesty, as well as Charles I. by which they were great sufferers. That gentleman was admitted an Attorney and Member of the King's Inns, Hilary Term, 1665, in the following terms: "Jonathan Swift, Gent. was admitted into the Society of this house, and hath paid for his admission (the usual fee) 13s. 4d. on the twenty-sixth of January, 1664—5." On the 25th of January, 1665—6, he was appointed Steward, or Under Treasurer, and afterwards authorised to receive from the Members the Pensions and cast Commons for the benefit of Mrs. Wale, widow to the preceding Steward.

On the 25th of April, 1667, Mr. Swift's untimely death caused a similar application from his afflicted widow to the Bench, that they may authorise her brother-in-law, Mr. William Swift, to collect the arrear due to her husband; her request was acceded to with becoming promptitude. Such order had a proper effect; however 12l. and upwards remained upon settlement due from her husband to the Society, and 100l. from the Members of that Society to Mr. Swift, of which 76l. and upwards, was due by the persons who dined at the Bench

Bench table. The legal reader will blush to hear the rule of that grave, learned, and religious body—it was not to advance the fool, to this unfortunate woman, nor manfully to discharge the acknowledged debt of their own defaulters, but to choose out of the arrears due from the Bench table a sum to balance her account of 12l. and to recommend a further payment from the body at large.

The birth of our great countryman shall be now ascertained beyond cavil or doubt. He was born on the thirtieth of November, 1667, and in the following month of January his mother renews a complaint of arrears to the Bench, with a pathetic representation of her necessary distress. How many contradictions were heretofore reconciled to make him *a native of Leicester*! His mother must be presumed to travel post, and at ease, for the purpose of appearing at the King's Inns in five weeks from her lying-in. All this is to be believed in preference to his own account, or the attestation of a respectable friend. However, fancy or falsehood must, I believe, yield to recorded truth, which would be settled beyond contradiction, if abstracts of King's Inns accounts* had been printed during the Dean's life,

* On the 18th of March, 1797, an order was made to print the Accounts. Had not this been the case, I would not be able to present the reader with any statement of such, nor to have them completely settled, as they are, in my possession. My reason for not publishing the whole at this moment, or with the third part of the Work next Winter, arises from delicacy, as I understand

life, which laudable custom has been only adopted from the year 1797. Let an integrity similar to Swift's mark future anecdotes, and the preceding circumstances ascertain his birth, the profession of his father, and honest, but unmerited adversity of the surviving parent. It was her aggravated misfortune to solicit an unfeeling groupe, whose sable records attest a more prompt disposition to support fraud, and encourage tyranny, than to render justice, or to relieve with sensibility the orphan and widow's forlorn sigh.

Meantime personal distresses multiplied, and deprived her illustrious offspring of maternal care; for we are told, in the Life of Swift, that he was nursed by

understand that a suit has been ordered, and is instantly to be instituted against the Representatives of the late Treasurer. Let me assure the reader, that many nice and important points will arise in that investigation, which will make a report of it perfectly original and unprecedented. *If I live*, I pledge myself to give it to the Public with an *appropriate commentary*, and *annex thereto the entire Accounts from 1789*. Meantime let me observe, that from Trinity Term, 1803, there has been no termly statement of King's Inns accounts printed for the use and information of the Benchers, or Society at large, a measure rather more necessary; for since 1803, the office of Treasurer has been annual, and the business not personally managed by that Officer, *as in the time of Mr. Caldbeck*. I presume *the order forgot*, and therefore thus apprise the Society and all parties, of *its existence*; for to *suppose it evaded*, would be reviving, amid a pretended reform, and without any proper authority, a more inveterate abuse than affected the Society in any preceding period.

by a Whitehaven woman, who was not paid by his impoverished parent, but feeling the accustomed affection attached to her situation, carried the infant with her to England. This authentic memorial may satisfy the doubts, or remove the scepticism so artfully raised, and industriously circulated, about the time and place of his birth, or the situation of the family. Ireland is satiated with the brave, honest and enlightened natives who have undoubtedly adorned her calendar. Swift had neither vanity nor meanness sufficient to deny his country; his classic and accomplished friend, Dr. Sheridan, has confirmed this fact—an authority sufficient to outweigh, by character and situation, an host of venal or interested biographers.

When an Irishman commences his career, it may be useful to assume the pretended accident of English birth. This circumstance will contribute to the merited popularity of young Roscius, and correct the probable inconvenience of a *Milesian* surname; but when age or accident have fixed irrevocably the rank of an individual, the continuance of such an artifice is an added disgrace to the party, and a premeditated insult to the community. Congreve practised the preceding fraud to the close of life—neither island shall struggle for his birth, nor shield an old bachelor's vanity from the satyric pen of Voltaire.

I find also that the King's Inns record sanctifies the account given by our ingenious countryman, Sir Richard Steele, of his father. For on the 11th of
June,

June, 1667, "Richard Steele, Esquire, was admitted of the Society, and paid an admiffion fee of 2l. 13s. 4d."—an undoubted proof of his ftation as a Barrifter. The reader will excuse me for adding, that the toil of research has been lightened, and rendered agreeable, by a reflexion that this History or Account, explained a concealed fyftem, in which the darknefs of crime, or ruggednefs of vice, may occasionally interrupt perfevering progreff; but through the gloom viftas opened, displaying views of furrounding *genius, integrity, and courage*, fuch as entitle Ireland to an *high rank among furrounding nations*, and peculiarly adapt her to an *equal, legal, and legislative ftation with Great Britain*.

The Benchers began to exercife a becoming caution as to the title and property of the Houfe, by ordering Lord Santry to bring the *Patent*, and the *Chief Baron* to bring with him the filver *Bowl*, and *other Plate* appertaining to the Houfe. On the fame day, being the 25th of January, 1665, Michael, Archbifhop of Dublin, and Chancellor of Ireland, beftowed a piece of plate on the Society, which was delivered to Sir *William Afton, the Treasurer*. The fufpected difhonefty of privileged perfons produced an order to the following effect, on the 7th of May, 1666:

"It is Ordered, That the Treasurer for the time being, doe call upon the *former Treasurers, and fuch other perfons* as have the Letters Patent of this Houfe, or any other writings, evidences, plate or
goods

goods belonging to this Society, and demand and receive the same into his custody, and give an account thereof before the end of Commons." 16th November, 1666. The preceding order was repeated, and the Treasurer examined as to his compliance therewith—That officer declared, that he waited upon Lord Santry for the Letters Patent, and *the plate and other goods of the Society*—to which his Lordship returned an *evasive answer*.

On the 25th of April, 1667—"Ordered, That Sir William Aston, Treasurer, do apply to Lord Santry, and, in the name of this Society, demand of his Lordship the Letters Patent and other writings, *money, plate or other goods*, yet in his Lordship's hands belonging to this Society, and that the Treasurer *receive and keep the same*." The Treasurer was ordered to report the effect of his Address, which Sir William did in the following terms: "The Chief Justice says *he will himself give answer to the Bench herein*." The Bench then requested that his Lordship would give them a meeting upon Wednesday next, which message the Treasurer delivered—but *his Lordship came not*.

On June 16, 1669, the said Sir William Aston delivered a note of what *pewter, brass, linen and other goods* belonged to this honorable Society—not a word of *the Plate* which had been delivered to this worthy Judge. The Society also preserved a necessary silence, for the preceding delinquents died soon after.

The

The scite of the King's Inns seems to engraft a singular and opposite disposition upon its inhabitants. The friars incessantly deceived mankind to enrich the Society. Their legal successors constantly plundered the house of its estate or goods to aggrandize graceless descendants. Santry's town-house was where Mr. Finlay's Bank has been lately held, and which then belonged to the Society.—This accounts for a detention of the Letters Patent.

If these foul deeds were recorded by Sir Edward Coke, his zeale for the honor of our profession would prophesy vengeance on their race, as he pronounces this singular blessing upon honest Barristers,—that they seldom die intestate, or without issue. What would be counted in that great man zeale or sagacity, must be deemed in me an impudent or insane effusion. Yet a singular fate *attended* their respective heirs—each became convicted of High Treason;—the son of Sir William in the year 1686, and the descendant of Santry in the year 1739. A symptom of Providence, however, may be admitted in the accident which led to this review, and enables me to give the detail with an accuracy equal to Egyptian annals;—where the acts of Monarchs were deposited in their grave, and only opened for inspection after the lapse of a century. For co-temporary King's Inns deeds, and the motives of individuals, when the acting parties and their Historian are laid in dust, patriotism extorts a wish, that firmness and integrity may mark the discussion.

On the 13th of June, 1667, "Ordered, That John Wilson, Esquire, Barrister at Law, be and is admitted of this Society, he first taking the oath of Supremacy in Chancery, and afterwards entering into Commons, and conforming to the rules and orders of the Society."

The preceding rule tended to protestantise the Society, but still shewed, that professional position did not hang on being a Member of the King's Inns. I therefore find in 1661, Mr. Cadogan, father to our gallant countryman, the Earl Cadogan, a practising Barrister, and Member of Parliament, but never entered on the Rolls of this Society. In 1692, and subsequent years, the following Barristers appear as Members of Parliament, and Pleaders before the House of Lords, on *Writs of Error and Appeals*, but grace not the King's Inns Roll: *Robert Ormsby, John Blennerhasset, Joseph Coghlan, Henry Langford*, even *Mr. Thomas*, (afterwards) *Justice Coote*, was King's Council, and Recorder of Dublin, but not admitted in the King's Inns until his elevation to the Bench. His successor in the city promotion, *Mr. William*, (afterwards) *Sir William Handcock*, was never of it. To swell the catalogue upon so clear a point, would resemble bringing any collateral authority, *besides Coke Littleton*, to prove an eldest son *heir at law* to his father. Indeed subsequent statutes enforced certain oaths, an observance of which Judges were bound to attend to, and Barristers, previous to practice, obliged to conform with. This alteration probably led to the mistake as to any necessary union of both situations.

situations. Thus the interior authority of the Society has the same bottom with many legal reports, in which the decision is right, though Judges may mistake the true principle, or deviate from it in pronouncing their unbiassed opinions.

As duty impels me to explore the ancient property of our Society, and ascertain its existing amount, an Order of the 2d of June, 1676, requires, "That the keys of the seats in the Church of St. Michan, heretofore used by this Society and the servants, be delivered to the custody of the porter of this house, who was to attend every Sunday and open the same." Length of time operates in this instance as a bar; for I presume, that continual claim has not been kept up by an annual entry upon the premises, nor even proof of an approach *as far as terror would admit*. Benefit may, however, arise from the recital by imitation. Though the new situation lies within the same parish, we need not disturb our neighbours, but contribute to their convenience, and pay that respect to the established religion, which next to its immediate Ministers, members of the legal body, ought always practice and profess. Prayers may be immediately had in the Library or Dining-hall—I can provide a fund for the new chaplain, and the reader must agree with me, that His Grace of Dublin will second the good design with a zeal becoming a conscientious diocesan, and zealous patron of the Irish Church.

No particulars appear on the King's Inns Records during the subsequent part of this reign, which can illustrate the situation of the legal body, or the general history of Ireland.

It appears by entries, particularly in 1674, that Barristers were not called on one day in Term, nor by a previous meeting of the Judges, but on any day agreeable to the individual. The right to admission flowed from the English certificate, agreeable to Statute Law. Subsequent connexion sprung from taking the established oaths, and supporting the character suited to an honorable profession—an obligation which should be always equally binding upon members of every age or rank. This symmetry upheld the dignity of the Society, and enabled legal practisers to diffuse justice, peace and loyalty through the kingdom.

Thus, whilst Great Britain was convulsed by rival factions, whom Government with difficulty prevented from rising in arms against each other, Ireland enjoyed unexampled repose. Not that it was destitute of parties, or of civil and religious principles to rouse and animate their zele; but Charles wisely kept this disposition in check, by professing the established religion, and appearing to patronise its clergy; Protestants were satisfied, whilst Roman Catholics had a full confidence in his partiality for their politics and creed.

The eyes of Europe and of mankind turned with tremulous anxiety to the accession of James II. An unexampled phenomenon was to appear on a throne—a Monarch differing in religion from the established Church, and who countenanced such principles with the fury of a bigot and apostate. Hereditary and elective Sovereigns, as in France and Poland, were obliged to become conformists. Even Russia shewed more political wisdom, in this instance, than Great Britain was blessed with—the obliged Princesses, on marriage, to profess the Greek faith; whereas an opposite practice completed those evils to which an appetite for arbitrary power led the House of Stewart.

The close of Charles's reign presents an useful commentary in support of law, and an awful lesson to a British Monarch. That Prince's natural good sense was nearly equal to his acknowledged convivial talents; yet, a concealed apostacy from the established religion, and a continued hatred to the free principles of English law, led him into courses finally subversive of personal honor, or private happiness. The slave of hypocrisy became its merited victim—universal distrust accompanied public engagements; thus Irishmen and Britons were reviewed with suspicion or distrust, and affection or loyalty only looked for by the rules of self-interest. Mutual and repeated plots flowed from and accompanied the checquered scene, in most of which Charles figured as a *sanguinary persecutor, or perjured partisan*. At too late a period, and when his character was ruined at

Q. 2

home,

home, and upon the Continent, he felt and acknowledged that potent spell of English despotism—to be *the King of his People*. Under a full conviction that he forfeited that noble claim, the rude assault of open or concealed treason was merely forgot, by the firm conviction of a stronger national dislike against his degraded successor.

James was charmed with public appearances on his accession—all parties seemed to receive him with enthusiasm and confidence. It required, however, a steadier and sincerer temper to confirm and extend such disposition than this Prince was blessed with. Ireland was the preparatory theatre for British subjection—misgovernment in that quarter ought immediately to diffuse an alarm through the neighbouring kingdom, as Britons must be sensible that the slavery of this country will insure to them a similar doom. This sentiment is felt at the present moment, but like many political truisms at that period, was neither acceded to, nor understood.

The legal system has been ever too strong not to form a principal link in the Government, which, separated from its practice, must also have great influence over the community. Its professors afford, in every age, persons competent to dispense Law with mildness, judgment, and integrity, or to pervert its principles with craft, cruelty, and impudence. Whatever reliance James may have in the versatile principles of Judges appointed by his brother, his feelings suggested the great reluctance with
which

which men exercise Politics or Law to subvert their religion. The Bench must therefore undergo a change nearly as extensive as what was deemed necessary at the restoration. The Chancellor was a Protestant Prelate—such service could not therefore be expected from him; his mild manners and acknowledged integrity, far from securing him in office, rendered a removal the more necessary. The selection of a successor was not from the eminent men of either kingdom.—The King appointed a loyal gentleman of agreeable and social manners, but equally destitute of legal talents or private fortune. The former defect, it was thought, must render him subject to the management of Popish Judges, and the latter necessity ensure an acquiescence to the most criminal measures. His integrity, however, proved superior to personal distress, and once more made him a poor and private man,

The successor was a Roman Catholic, and a reliance was had thereon, coupled with a knowledge of his personal character. A majority of the Popish Judges, then appointed, were eminent for legal knowledge, and irreproachable in private character. Had their duties been confined to the proper station, it may be considered a proud æra in Irish jurisprudence, but their Sovereign exacted different services, whereby he tarnished their characters and ruined his own,

His first attempt was to initiate them in Cabinet mysteries at home, and then degrade his policy by sending

sending for them as Ambassadors upon State affairs. Even the English populace shewed, amid the irregularity of riot, the feelings and discernment of a free and enlightened people: they pursued the traitorous missionaries, and fastening potatoes upon poles, exclaimed, with merited derision, "Make way for the potatoe ambassadors!" This lively ridicule encreased in their progress from the Tower to Whitehall to the most settled abhorrence, so that it was with the utmost difficulty civil and military authority could protect them from national fury and hatred.

Such was their success and merited popularity in the sister isle; in their own country (as statesmen) they acted with unceasing vigour to shake the property, undermine the legal freedom, and subvert the religion of Protestants.

In their judicial decisions no authenticated act of cruelty or corruption remains upon record. If additional evidence were necessary, the three principal Judges, for rank or talents, *Riverstown*, *Rice*, and *Daly*, remained within the kingdom in possession of large properties, and armed in conscious innocence, set their personal or political enemies at defiance. Two of the Judges were Protestants, who survived the revolution; even one of them was continued in office by King William; another an English Papist, removed, previous to James's abdication, to Westminster, only memorable for being an incumbrance to this country, and a disgrace to his own. There were indeed two
Irishmen

Irishmen among the groupe, not indisposed to cruelty in criminal trials, or corruption in civil suits. However, that base and forward disposition sunk under the superior ascendancy of honest and enlightened brethren.

But the great ornament of our Irish Bench during two reigns, inimical to English Law, both in their turbulence or calms, was *John Keatinge, Chief Justice of the Common Pleas*: a great Magistrate, who, in a slippery or stormy period, exercised official station with mild manners, and untainted integrity. This Irishman was calm, patient, and humane, in the trial of prisoners; clear, laborious, and consistent, in the discussion of civil suits; faithful to his King and Country in the indulgence of political principles, and attached to God in the exercise of Christianity. Thus, persecuting Protestants charged him with being a concealed Papist, whilst furious Roman Catholics were confounded at his firm attachment to the established religion. Connected with no party, and dignifying station by despising its tenure, he equally resisted the interested views of Clarendon or Tyrconnel. But the concluding act of an illustrious life must endear his name to civilised society in every age or clime.

When James, cloyed with the advice of a *pliant Chancellor, and perjured Chief Justice*, consulted Keatinge, (though that great man well knew what would be palatable to a deluded prince) he administered honest and salutary advice. James had even
sufficient

sufficient good sense to feel and respect it; but that King was, from situation, necessitated to repeal the Act of Settlement. Whilst Keatinge's firm and unbending integrity entitles him to an high rank in the temple of Irish worthies, a place to which, I trust, every legal Student will direct his steady steps, and finally attain a merited station therein,—

“ Hic Manus, ob patriam pugnando vulnera passi,

“ Quique sacerdotes casti, dum vita manebat,

“ Quique pii vates, & Phœbo digna locuti,

“ Inventas aut qui vitam excoluere per artes,

“ Quique suū memores alios fecere merendo.”

Irishmen must, however, prepare for the solemn alteration of religion; the King's Inns was therefore decreed to change its proprietors, and revive the memory of monasteries by affixing a Popish chaplain in the new establishment. On the 7th of June, 1686, Sir Charles Porter, Lord Chancellor, was admitted to his lodgings, lately occupied by his predecessor, Michael Archbishop of Dublin. The apartments were not very extensive or commodious, for I remember it ascertained in a brief of mine, that Lord Chancellor Porter lived in the remotest house of Abbey-street, with a field adjacent thereto, and as the Archbishop had, for the twenty preceding years, enjoyed the palace in Kevin-street, we may imagine the state in which Sir Charles found them.

On the 20th of April, 1687, the said chambers were, by the like rule, transferred to Sir Alexander
Fitton,

Fitton, Knt. the successor of Sir Charles. On the same day, and on *the 15th of November, 1687*, his Popish colleagues were admitted into the same conventicle, and a chaplain of ancient family and unexceptionable personal character elected by the ruling party; he was also a learned divine, and distinguished doctor of both laws. The Government and Country shewed an equal discernment by suitable promotions.—A *Mastership of Chancery*, the *Deanry of Christ Church*, and a *seat in Parliament*, were his rewards. On *the 5th of February, 1687—8*, “Doctor Stafford was invited to the Bench table, and that chambers should be provided for him.”

These are the regulations or changes which appear upon the remaining King's Inns Records during the short, but eventful reign of this unfortunate prince. Bigotry had so narrowed a proper sense of personal engagement, that in Ireland the mask was entirely withdrawn, which hypocrisy kept up in England. James not only departed from the usual wisdom of English Councils, but adopted the vicious practice of an Irish Cabinet; Judges were selected as statesmen, and priests became secret advisers of the Crown. Christianity and Law were thus perverted from useful purposes to pernicious designs.

Roman Catholic Lawyers, however, shewed that deluded tyrant the hopeless pursuit of entirely subverting established Law, or reducing liberty and property to arbitrary will and pleasure. Personal interest and professional prejudice combined to uphold
civil

civil freedom under an intended change of religion. A Protestant university was quickly converted into a barrack, but no such invasion was exercised on the residence of Popish Lawyers; their councils were held, and meetings continued, without innovation or controul. The banner of pontifical power was, indeed, displayed by the supremacy of his religion within the Society. However, the national independence was not abrogated even by that Parliament, whose general proceedings have been swept from our Statutes and Journals by an undistinguishing attainder; a transient review may therefore afford some historic use and entertainment.

James had such an hearty hatred to the improvement and protection of the civil rights of his subjects, that the *Roman Catholic insurgents at Runnymede* would enforce an apostacy from their faith. That unhappy man mistook the principles of religion, as much as political freedom—he conceived that a dependant and ascendant sect would adopt similar sentiments. The history of mankind might, however, convince him, that toleration or persecution, servility and independence, hang on relative situation.

James had, from motives of political necessity, assembled a Parliament in Scotland and England, and met in them unexpected unanimity and support. That useful turn obtained in the true spirit of his ancestors, he determined to guide his future government without such aid or interference. The reader will naturally be anxious to hear his management of this country,

country, where a religious sympathy of sentiment ought to cement his public duty with a double tie of royal regard. No Parliament was, however, held, nor any intention expressed in favour of the inhabitants. Catholics were, in his opinion, to exchange their civil for religious freedom. Misfortunes alone led to any appearance of public principle in the house of Stuart; it is also an aggravation of their guilt, that no Sovereigns exercised superior talents in a defence of just prerogative, or better understood the rights and privileges of British subjects.

The Irish soil was not trod by James until William was seated upon the throne of Britain; then indeed this country was cursed with his presence, and its extravagant loyalty abused to restore an abdicated tyranny in England and Scotland, or to confirm it here. Such were James's views in calling a Parliament, to arm or tax subjects, and employ that union at his will and pleasure, forms his only title to Irish gratitude and affection.

There, however, arose *one man in that assembly*, who had a perfect knowledge of, and an ardent attachment to, the legal Constitution of his country. The Great Charter, Petition of Right, or Bill of Rights, would have met in him an able framer, and intrepid defender. Blessed as Irishmen are in their legal and acknowledged enjoyment of the English Constitution, praise, extorted by manly talents, or their honest exertion, tends to support Government
by

by animating cotemporaries, and the rising generation to similar conduct. James's *Attorney General*, Sir Richard Nagle, dignified that situation by exchanging its usual character for that of a stern, inflexible patriot. He carried measures similar to those of 1782, and thus paid homage to the excellence of English Law by transferring its full and complete enjoyment to his countrymen.

Two dreadful Statutes blacken the catalogue, which have been artfully selected to give a complexion to the whole. Let me assure the reader, that the Statute repealing the Act of Settlement was pursued with ardent rapidity. I have seen a bill for relief under it, which was filed in the month of May, 1689, a few days after its enactment. Thus, had not the arms of King William suppressed the principle, a mischief equal to confiscation would in one year affect the island, and the greatest part of landed property be immersed in an ocean of equity. The attainder of absent or innocent persons was not unknown in Ireland, but improved civilisation felt an horror at the measure, which nothing but James's malignity could countenance or adopt. Personally to him this horrid measure is to be imputed; he had practiced in England legal and legislative vices, superior to what stained the Irish soil.—Even the unhappy Monmouth was irregularly executed, and a similar measure would be meted out to proscribed Irishmen.

The

The prescriptive rights and humane principles of English Law were equally violated by these acts, which sentiment was not unknown to the Irish Parliament; but the vicious habits of party, felt and supported, as a measure of self-defence, what plundered opponents of property, or rendered their existence insecure. This principle was unhesitatingly admitted, which shews that both Statutes originated in a scheme of separation, under a prospect of civil war. The precedent merits perpetual remembrance, by presenting, upon a small scale, the envenomed cruelty and extensive confiscation which must result from either.

In every movement of this country, King's Inns Members form a leading and interesting part. A faithful account of that institution is therefore inseparably interwoven with the general history of Ireland. James was soon roused from priestly craft and political hypocrisy by the warlike banner of his illustrious rival. Irishmen had then a secure privilege of adhering to either Prince, as most suited their civil wisdom, or religious creed. Necessity or choice armed every rank and profession;—on both sides the natives assumed superior activity to their brethren in arms; they possessed an equal courage, which the keenness of civil war nerved with redoubled strength.

Happy at the success of the defenders of Derry, history binds a Limerick man by impartial justice to record the disinterested heroism of his immediate fellow

fellow citizens. The natives of that ancient town conducted themselves with a bravery which must atone for political prejudices, were they even of a dangerous or destructive nature; but toleration on religious points, and liberty in civil matters, was their professed object. Leland says, "At the siege the Irish defended it with a rage of valour; even their women mingled with the men, encouraged them, advanced before them, defied the besiegers, and assailed them." The applauded patriotism of Roman matrons or Spartan dames supports a feeble comparison with this authenticated specimen of Irish female exertion and courage. A formidable foreign force, aided by the untamed bravery of native Protestants, was unable to subdue or seduce them, without the plighted faith of royalty to preserve the civil and religious rights of Irishmen. No narrow system, no partial views, impeded that great design: they rejected a treaty in which the protection of their countrymen at large was not included. Thus, Derry and Limerick shine rival companions in history, unfading monuments of Irish integrity, generosity, and courage.

Even the gallant Walker meets, in a King's Inns preacher, a clerical rival, who bravely fell in the opposite ranks. Dr. Stafford merits that high station by disinterested zeal and personal heroism, no matter how misguided, displayed in defence of civil and religious partisans. Having seconded, during the war, every effort to support James's declining interest, he became, from such motive, chaplain to
The

The Royal Regiment of Foot, and followed its fortunes through a severe and doubtful campaign, to the fatal plains of Aghrim. There the genius of his country triumphed over professional habits; a peaceful preacher became a warlike chief; the awful ceremonies of religion were dispensed to a submissive flock, and their courage strengthened by an animating harangue. Then, with the crucifix in his hand, Stafford passed through the line of battle, and pressed into its foremost ranks, loudly calling on his fellow soldiers to secure the blessings of religion and property, by steadiness and attention to discipline on that critical day. Success crowned these manly efforts, until death interrupted his glorious career; then, indeed, the infantry was panic struck. Superstition sanctified fear: vulgar minds conceived that heaven frowned on the cause by this awful event. The source of enthusiasm became a measure of despondence when the champion who gave it vigour and existence was laid in the dust.

This movement, added to the pressure of a gallant enemy, occasioned considerable disorder, which St. Ruth, by a change of station, wished to remove, but perishing in the great attempt, thereby occasioned a general defeat. Thus, the fate of a King's Inns Chaplain sealed the revolution, and left an animating example with what zeal and sincerity succeeding members ought to uphold a frame of Government more protective of social happiness, and a system of religion better suited to the mental dignity of mankind.

No greater alteration occurred in the legal establishment; for though an eagerness was manifested to erect a separate and independent Inn of Court within this kingdom, whereby an undoubted severance between both islands would be finally effected, yet James firmly withstood the insidious attempt, and is thus far entituled to the thanks of posterity. But amid all the forced or fanciful changes hazarded by hostile parties during that century, no innovating effort was exercised to make the King's Inns an introductory theatre for legal study, much less to controul Attornies from taking apprentices, but at the will of Judges and practicing Barristers. A singularity which not only varies from ancient legal usage in both kingdoms, and the subsisting custom of England, but from the Civil, Canon, and Scot's codes, or any system recognised in Europe.

It may seem ill suited to moderation or humanity to stigmatise an unhappy man, who atoned to society for the indulgence of religious phrensy, or political vice, by a forfeiture of empire. Therefore, my criticism shall flow from fact, and be bounded by legal propriety. On his retreat from Ireland James looked for refuge to religion, and became enamoured of the cause for which he suffered. Liberty of conscience, and the rights of property, he affected to hold sacred. The former was, however, to hang on the good will of Jesuits, and a repeal of the Act of Settlement gave a lively specimen of national distraction in a scramble for the latter; besides, an horror at Parliaments ensured to his subjects the novel

vel position of being taxed without popular representation.

Superstition, however, frequently failed to still the alarms of conscience, nor could the foul deeds of this life be buried in dreams of another. Thus,

“ Guilt’s black forms did his private walks invade,

“ And *Russell’s* murder haunts him in the shade!”*

James’s activity in that black transaction pressed itself upon memory, and *Russell* was the only martyr to Liberty and Law, whose virtues this obstinate Prince unhesitatingly admitted; he also well knew that Charles would have yielded to policy or justice, and remit an *illegal sentence* but for his interference. By the same suggestion a venal and eloquent prelate was employed to realise a doubtful plot, to implicate *Russell* therein, and stain posthu-

R

mous

* I have seen Memoirs (in manuscript) of King James, revised by himself, and compiled by his Irish Chancellor *Reilly*. A great regret is therein expressed for the death of *Russell*, and a reliance on what services he would be able to render at the revolution. Therefore *Russell* spoke with a prophetic spirit, in saying, that his death would serve England more, than living to the most protracted old age. Willing to unite impartiality with strict truth, let me inform the reader, that he will find an act of justice inflicted by James on a delinquent Barrister, (in the third volume of *Modern Reports*, page 68,) and which reflects great honor upon that Prince. In the above curious Work Mary’s death, and Anne’s childless situation is imputed to their disobedience or opposition. A vein of malignant piety (if I may use the expression) pervades the above Memoirs, which, in other respects, contain much interesting information.

mous fame by imputing as motives to popular exertion, a guilty appetite for property, and not a pure attachment to the Laws and Religion of England. Time combined with misfortune to soften James's temper, and convince him that Russell was a proper object for royal mercy. But whilst guilty schemes or sanguinary counsels moved in triumphant progress, the hardened spirit of a superstitious tyrant could not adopt so manly a sentiment, nor receive such an impression of tenderness and sound sense.

Enough has probably been already explained of the acts, motives, and intentions, which actuated James II. to justify our Protestant and Whig ancestors in renouncing him as the Defender of their Faith, or constitutional guardian of national privileges. Part of his conduct remains still unfolded, a measure not to be palliated by State necessity, and too authentic for party prejudice to deny. Charles and James may be excused for yielding to political expedients in continuing, with apparent good will, the landed acquisitions, even of republican adventurers. But unappropriated or confiscated lands should naturally be given to faithful adherents or suffering friends. In this instance the conduct of both was as destitute of personal honesty, as their general administration of patriotism or public spirit. James meanly solicited this plunder, to which, with unfeeling baseness, Charles consented. The reader shall have that account in the unadulterated language of an expatriated Irish Papist.

« Mlle^s Corbet, et quelques autres régicides ayant passé en islande, obtinrent de Cromwell des vastes terres ; leur mérite étoit d'avoir assisté comme Commissaires ou Juges à la condamnation de Charles I. & d'avoir prononcé la sentence execrable de mort contre ce malheureux Prince ; ils furent pendus aussitôt la restauration de Charles II. on donna au Duc d'York les terres confisquées des ces infames, pouvoit on transférer à ce Prince un droit que ces usurpateurs n'avoient pas ? ils avoient possédé ces terres en vertu de la donation que Cromwell leur en avoit faite, pour récompense de leur parricide. Ce tyran en avoit dépouillé quelques seigneurs Irlandois pour la raison opposée, leur droit étoit par conséquent injuste. Ne semble-t-il pas que ces terres devroient plutôt être restituées aux anciens propriétaires, que de servir d'appanage au frère du Roi ? »

Conscientious and liberal Roman Catholics will agree in thinking that man merited the loss of a kingdom, part of which was acquired in such a dishonest and exceptionable manner. But as the blessings of civil freedom are more valuable than an indulgence of priestly pride or religious ascendancy, their wisdom is called upon to recollect that a temporary depression of the latter was from the character of that King, and the situation of this country ancillary to the quiet and permanent enjoyment of the former. It is manifest that the arms of King William were necessary to enforce such settlement, whereby the King's Inns only received new inhabi-

tants, who practiced the ancient legal system, and were equally disposed to give it perpetuity and effect.

There was one measure of the late reign which required instant and effectual imitation, and that consisted in an immediate removal of presumed traitors from the Bench. Such Judges as had been discarded by James, and survived the abdication, were entitled to instant re-appointment; the Chancellor also deserved to be reinstated. William's first act, after the submission of Ireland, was directed to this object. The misconduct or ignorance of the Judges in an important branch of Law excites surprise, and would exceed belief, were not the abuse authenticated on the Records of Parliament. *Civil bills* originated in the Provincial Presidency Courts, and were upheld merely by prerogative, in violation of Common Law, and without Statute authority. The practice was cheap and expeditious, and, though hatched in the chamber of despotism, has been wisely upheld and confirmed in times marked by a proper respect for freedom. But what had Judges to do with *State policy*, or *arbitrary improvements*? Besides, the motive becomes doubly suspicious, when large fees to themselves, and their Clerks, accrue from malpractice. Possibly some of these grave Magistrates may conceive, that the usurpations of *illegal or abolished jurisdictions* revert to the Four Courts as a *lapsed inheritance*, and thus give a screen to judicial perjury, by crafty or ignorant presumption. Such was the profligate assertion of the late Judge Robinson

Robinson in the memorable *Attachment Case of Stevens Reilly*.

However, an Irish Parliament thought differently, and voted, in 1692, "That the trials and proceedings by Civil Bills, as of late, and now practiced in this kingdom, are *arbitrary, illegal, and a burthen to the subject*." They were more secure from detection, when that corrupt and profligate Chief Governor, Lord Sydney, consulted them on the proper *construction of Poyning's Law*. An opinion was given correspondent to State policy; but here an error in judgment may be pleaded, unfettered by precedent and not in opposition to established Law. The succeeding fact affects (thank Heaven!) only some Judges, and not the whole body; but the misinterpretation is peculiarly awful, as it arose from an appetite for human blood. *Benefit of clergy* was intercepted by handing the book of a language not authorised by Law, and when that device failed of success, they fined the Ordinary, if that Officer made a return according to the truth and reality of the fact, and not according to their pleasure and direction. Habitual perjury and murder so overshadow King's Inns jobbing or corruption, that I fear the reader will be drawn too far from that subject by the commentary which has been deemed requisite to illustrate and strengthen an account of its interior management. The usual admission to chambers for the new Judges marked the King's Inns Records, for the reader will perceive that no additional houses were built to be laid out in a collegiate form, and

and the Judges became the exclusive and hereditary inhabitants of the old apartments from that period in James I's reign, when, under a plausible pretence, such monopoly was obtained. The late Judges even stooped so low as to displace the Steward of their house, and on the 5th of February, 1687—8, elected and appointed Peter Reilly to that office. It was therefore a natural act of retaliation in the triumphant party to turn him out, and replace an adherent.

A petition of Mr. Justice Lyndon illustrates the freedom of belonging to, or retiring from the house as a voluntary association. He states his chambers to be ruinous, the great expence of repairing them, and solicits a lease for his own life, and that of his son Edward, who, he adds, is a Member of the Inns of Court, and he hopes will be, and continue a Member of this honorable Society. At this time also the custom revived of appointing the Governors of the kingdom, and other eminent men, Members of the King's Inns. It is also remarkable that such persons attended councils, and subscribed their names thereto. Nor was it until Queen Anne's reign that any man was admitted a *Bench*er by that name. The whole Society enjoyed the undoubted right, but non-attendance seemed to operate as the bye-law of a Corporation, and actually, though silently, superseded for a century that original right.

Even within these fifteen years, when a full Treasury flowed upon the King's Inns, a similar practice has,

has, to my personal knowledge, continued. In the last Term, on the appointed day of admission for Students, and apprentices of Attornies, a necessary number of Benchers did not attend. To prevent the loss of a Term, two of the body acted upon the occasion, and necessity justified the violation of established custom; nor have four reasonably full meetings occurred since the revival in 1789. This dereliction dictated a plan to a very inconsiderable number of guiding King's Inns business, (notwithstanding the respectability of their brethren and the body at large) as if it were a venal and corrupt corporation.

On the 29th of January, 1694, an order, descriptive of the ruinous state of the King's Inns Chambers, was entered into; and to encourage, as well as indemnify residents in necessary repairs, it was wisely resolved, "That two thirds of such ascertained expenditure should be paid by the successor to the executors, administrators, or assigns of the preceding occupier, and a lesser proportional sum on every transfer; these improvements to be designed and approved by three of the body, and the expence correctly estimated." Some readers may imagine that the mode of building glebe and fee houses, and reimbursing the builder, was borrowed from the preceding plan. The rules of common sense and justice dictate, without communication, similar practices to men of clear understanding. A singular conclusion marks the order, which makes me think more highly of the sharpness, than honesty, of the parties

parties concerned. The roof of those buildings was to be kept in continual repair at the cost of the Society. This accounts for the reluctance and tardiness with which pensions and cast Commons were paid by the body at large. Misapplication roused discontent, and by that just sentiment the institution was finally smothered.

In the present and preceding reigns, repeated orders are made to enforce regular attendance for a proper time at the English Inns of Court. This was warranted by ancient precedent, and would be felt by real Irish patriots as a proper decision; it even reflects honor on such Sovereigns or Viceroys as deigned to recommend the practice. One glaring neglect accompanies all such rules—no indulgence was given to a *Dublin degree*—an oversight in wise or public spirited men, even where no impure motive can be presumed to influence their conduct.

A legislative provision was never necessary to establish that important privilege; but where such enactment took place, the repeal could only flow from the blended influence of presumptuous ignorance, and prospective corruption. The classic compliment can be therefore extended by an internal rule of the King's Inns, and the graduates of our University elevated to an equal rank with their brethren of Oxford or Cambridge in English Inns of Court. Should this humble page lead to that important end, my feelings must be amply gratified by fixing a closer union between the King's Inns and that learned seminary

minary—the measure will also materially encourage literature, confirm loyalty, and exalt the national character.

Dublin University was founded shortly anterior to the revival of the King's Inns, and from the vicious domestic abuses in policy or religion, was never co-extensive with the Irish nation. Its provision has also been confined, and no addition made thereto as proposed under the Stuarts, or as might be hoped for, amid extensive forfeitures, from the great King William. However, let the literary efforts of its members be measured from *Usher to Young*—its externs will not be disgraced; nor need the nine hundred Fellows sustained by Oxford or Cambridge, disdain a coalition with twenty-three Irish brethren. The press does not frequently teem with their labours, because extensive learning indisposes men to publication, except where use or importance marks an useful design. Such is the just character of its senior train, but undergraduates are endeared to their country, even by its misfortunes.

When rebellion reared its horrid standard, and invasion (impotent without internal aid) threatened ruin to the realm, that gallant body was permitted to assume a military array. To the untamed fire of youth was added the energy of manhood, and the coolness of age—zele, corrected by good sense—courage, tempered with humanity; and steady discipline directed by public principle, has uniformly distinguished the College corps. The metropolis witnessed,

ed, with suitable pride and enthusiasm, such dignified behaviour. Though melancholy necessity relaxed University discipline, personal honor rendered it more firm—literary improvement was upheld by regularity and the exertions of active exercise. Did not the principle support itself by English precedent and intrinsic propriety, it ought to be conceded to youthful merit at this auspicious moment. Let two years attendance be conceded to *a Dublin degree*.—Wise and honest men will readily feel that a collegiate course of education forms the most correct preparation for legal knowledge. The repeal of Stamps lately enacted, or the more affecting defalcation of office fees, is not expected, nor demanded to effectuate this useful intent. The graduated collegian will be satisfied to pay such, and therefore justly claims, that an attendance, as heretofore, for two years at an English Inn of Court, may qualify him for a call to the Irish Bar.

The spirit which actuated the Dublin residents, appears in the following extract: “Attornies who live in the country, and at the assises, generally deprive those who constantly attend in Dublin of their practice.” The declared design of these partial or exclusive orders, is to counteract that effect. An Englishman will easily believe how difficult it would be for the officers of the Inns of Court to enforce payment of a Termly Tax from their scattered rural brethren; and how the Herculean task would be increased, if a legion of English Attornies strengthened the legal brigade. In this, as in most other instances,
affecting

affecting Irishmen, the fault of non-compliance or resistance will be found in the folly, corruption and tyranny of men in power, when such persons overlook or counteract the interest of those whom they govern.

In 1698, we meet a singular legal anecdote:—A dispute arose relative to county taxes and assessments, between the town of Youghal and the county of Cork. This was left to the determination of the Judges, as the order tells us, *in their private capacity*, and such decision was, by consent of parties, to be conclusive. This proceeding must be considered a pregnant proof of Irish politeness, as, I firmly believe, it would be impossible to obtain a similar meeting at Serjeant's Inn, or to persuade that grave body to act in *a double capacity*. In the next page the well known name of Sir John Temple is presented to our view. This man was son to the famous Author of the Irish rebellion, and had been Solicitor-General under Charles II. Grants from the Crown did not satiate his avarice—the King's Inns was still devoted ground; for fifty preceding years a considerable part of it had been encroached upon by this family, and even a long outstanding term in existence against the Society.

An application was, however, made for a *ninety-nine year's* lease from the March preceding. The reader need not doubt that a prompt compliance was made with this singular proposition. Thus, the *high green walk of the Inn's garden, and the adjacent waste*

waste ground, was finally disposed of; for I have not heard whether this valuable and extensive lot of ground, and which was to be out of lease in 1798, has been re-let by the Society.

In the succeeding term, Dorothy Winstanly, widow, applied for a renewal of a small tenement, *thirty-four feet by twelve*. She states, "That her husband had, to the time of his death, been a servant to leading members of the house for many years—that she had three helpless children, and solicited such renewal for any term, and at whatever rent their humanity and justice should please to direct." She did not, like the preceding hardy knight, dictate terms—her modesty met a fate not uncommon before a legal tribunal; for the Bench, with Roman firmness and Stoical apathy, refused the prayer of her petition. The succeeding page contains a request from Colonel Boissond, for permission to open two windows on the Inn's garden from his house in Pill-lane. On the same day an admission is entered in a language proscribed from the time of Cromwell:

Memorandum quod Henricus Shere—miles admissus fuit hujus hospitii focus, die Veneris decimo quinto die Novembris, Anno Domini, 1700. Sir Henry was not a Barrister, but an English Baronet, who held an high and lucrative situation in Ireland; however, the entry favours strongly of an attention to precedent on the books of the Society, and in that respect marks the profession of the writer. Some other entries are also in Latin, particularly

Chief

Chief Governors and Lords Justices during this and the succeeding reign. Modern Latinity may disgust a mere collegiate scholar; let me, however, defend the legal body—when its members apply and extend a dead language to living purposes, and the varied uses of mankind—is not this the boasted perfection of the English tongue, and a decisive proof of the wisdom which characterises the inhabitants of that kingdom?

Even Ireland may contain some Barrister who does not know, that *old Lyttleton* has been within these fifty years translated (if I may use the expression) into *modern French*—so great has been the change of Gallic dialect from a century posterior to *Comines*, and on a subject so fettered by precedent or technical terms as municipal law. Let *old Irish* be compared by a similar standard under this unerring test, persons who affect to ridicule it to excess, will incur the risque of having such opinions bottomed upon prejudice and ignorance; but the strength and antiquity of Ireland merits a kinder criticism on its language and inhabitants. The hardy legions of Rome felt their most useful recruits from the Danube or the Rhine, and a great empire was sustained by these rude but warlike clans. In like manner the Irish dialect did not disqualify Milesian soldiers from successfully defending Cremona; and will even, I trust, animate Irishmen, at the present moment, to preserve Sicily from conquest.

Let

Let Irishmen or Britons enjoy modern blessings in law, learning, or language; and reverence, with filial piety, the source and humble origin from whence the British empire emerged—still holding, in faithful remembrance, the tremendous prophecy of Montesquieu—that if ever enslaved, “they will be the most miserable nation upon earth, and lose, in my opinion, as by an earthquake, every remnant of their ancient grandeur.” The preceding entry closes all records of, or concerning the ground for the seventeenth century, and with it the reign of the great and good King William.

The reader will naturally expect, in conformity to preceding practice, some allusions to the effects of his government in this island.—Let me then affirm, that where his illustrious name was abused to its injury, the favourite of Ireland can be defended with integrity and truth. A spirit of unfeeling monopoly had so blinded the English Parliament, as to treat Scotland like an hostile country, and Ireland as if it were conquered. It was therefore, impossible for the wisdom or benevolence of the King to counteract this sordid and impolitic principle, without endangering his sceptre, and probably plunging the three kingdoms into all the horrors of a civil war.—Envenomed factions surrounded his throne, who,ameleon-like, would assume every shape, and ardently violate morality or patriotism to disturb or subvert it.

Ireland,

Ireland, however, owes to him the legislative image, no matter how imperfectly dispensed, of the English Constitution; his administration also stands unstained with the suspicion of fabricated plots, the infusion of religious discord, or an abuse of acknowledged prerogative. For the prejudices of Parliament, or mistaken feelings of his subjects, that accomplished prince is not justly responsible; these errors were not removed, even in a partial manner, for near a century. The Irish Senate, in particular, varied to a fatal extent (by the number of its rotten boroughs) from the constituted freedom of an English Parliament—partial remedies, therefore, failed of the expected effect. She laboured under a political atrophy—the legal nutriment of our State was converted, by this vicious habit, into a cause of dissolution.

William's hesitation, on taking the Scot's Coronation Oath, lest he should be thereby pledged to persecute any class of his subjects, reflects unfading lustre on his memory. Ministers cannot divide this glory with their King—it was the artless effusion of an honest mind, and will receive the undivided applause of mankind, as long as pure Christianity, political freedom, or personal veracity exist among them. His character, in every point of private or domestic life, has risen superior to venal or interested calumny, and forms a correct counterpart to the wisdom and patriotism of his public conduct.

The irresistible strength of both has extorted from the apologist of the Stuarts, the following just and comprehensive eulogium: "The Prince of Orange was peculiarly happy in the situations in which he was placed—he saved his own country from ruin—he restored the liberties of these kingdoms—he supported the general independency of Europe, and thus it will be difficult to review any person, whom we meet with in history, whose actions and conduct have contributed more eminently to the general interests of society, and the permanent happiness of mankind." The spirit of this great Monarch did not perish with him—the genius of the next reign was tinged therewith, and owes to that infusion its civil and military glory.

Anne was too kind a wife and mother to exercise those masculine qualities, which at the same time strengthen a throne, and disgrace a female character. Tories forgot for a moment in their pleasure at the death of William, the interruption of hereditary right, or affected to believe that James had no surviving male issue. Such sentiments suited the interest and prejudices of the new Sovereign. As most material changes were to be wrought in Ireland, Ormond was appointed Lord Lieutenant; his personal acquaintance, extensive property, and hereditary lustre of name, seemed necessary to effectuate that important purpose. The legal body required peculiar management in that political movement; the Viceroy, therefore, quickly became a Fellow of the King's Inns Society, and added that humble
name

name to the number of high appointments which distinguished him. The entry will give a copious specimen of legal Latinism, and be at least forgiven by the Irish reader: “Memorand, quod decimo octavo die Novembris Anno Dominæ nostræ, Annæ Dei gratia Angliæ, Scotiæ, Franciæ & Hybernæ Reginæ secundo, Prænobilis Jacobus Dux, Marchio, & Comes de Ormondia, Comes de Ossoria & Brechinio, Vice Comes de Thurles & Dingle, Baro de Arklow et Louthenia, Archi Priverna Hybernæ, Dominus regalitatum & libertatum, Comitatus Typperaryensis, Dux exercitus Regiæ Majestatis in Anglia summus, Cancellarius Academiarum Oxonii & Dublinii, Dominus summus Seneschallus Westmonasteriensis, Dominus Locum tenens—Regni Hybernæ, Comitatus Somersetiensis, Civitatis & Comitatus Bristolii, Civitatum Bathonii & Wells, summus Seneschallus civitatis Exoniæ, Procurator & Gubernator Monasterii Londiniensis Carthusianorum. E secretioribus consiliis Reginæ in Angliæ & Hybernæ nec non illustrissimi ordinis periscelidis eques, ad humillimam petitionem totius hujus Societatis, se inter socios hujus hospitii dignatur connumerari.” Such was the solemnity of admission into a country wherein he was afterwards proscribed, and in which active pursuit King’s Inns associates took a lively and powerful lead. Accident, however, contributed to preserve the ancient earldom to collateral heirs: that attainder was effectuated by an Act of the English Parliament, and heads of an Irish Bill to the same intent, therefore suppressed in England. Fortunately the claim was heard during the crazy period of

our independence—the suppressed Bill was an inconclusive bar, and the English Statute a perfect nullity. Thus, the revered title of Ormond preserves its Plantagenet rank.

Anne's mild manners claim respect, though her political principles merit execration; they gave to a Jacobite faction, and high-church party, an ascendancy which nothing but personal favouritism could correct or cure. In forward flattery or real ignorance, the Legal Society exceeded their predecessors in the days of Cromwell, and equalled the corrupt or servile prostitution of our time. The ancient *scite* received a new and courtly appellation of Queens Inns, as if there had been any analogy between its institution or object, and that of the Court of King's Bench.

In May, 1704, it was Ordered, “That noe person be admitted to the Barr, and practice as Barrister, until he shall produce an authentick certificate of his receiving the Sacrament, according to the usage of the Church of Ireland, as by law established, before his said admittance pursuant to the late Act.” Though the professed object of that law was to affix an insurmountable barrier to Roman Catholics, the reader sees, that by the extent of the preceding rule, many classes of dissenters were thereby excluded except they disgraced themselves by occasional conformity—a practice to which, if Roman Catholics submitted, the boasted bulwark would be useless. This rule has never been directly repealed, but merely relaxed,

laxed, and Protestants are generally admitted without the production of a Sacramental Certificate.

Let us, however, move from the gloom of religious criticism, or disqualifying statutes, to a reflexion upon courtly feasts and victorious joy: I find, that at that period, the Viceroy, and on his departure, the Lords Justices, usually got a state dinner from the Society. Marlborough's conquests also made these grave veterans forget the law itself, but from a laudable motive. Money is charged in the accounts for supplying bonfires and beer to the populace. Certainly that was the only table to which they could invite such guests; yet, the entertainment favoured of an *overt act of riot*; and the legal reader will find, under the authority of a well-considered case in Blackstone's Reports, that a party injured amid the tumult, by *squibbs or crackers*, could legally support an Action against the sapient providers of such hurtful materials.

Ormond had a worthy associate in Sir Richard Cox, who became an interested apostate from Irish Whiggism, and exerted official influence to circulate the courtly system of that day. The corrupt spirit of domestic faction seconded and extended English Toryism. To effectuate this important purpose, the new Chancellor claimed the exclusive patronage of *Queen's Inns*. Cox's feelings suggested, that the genius of self-interest governs mankind, whereby honor and virtue become victims to that grim idol—he conceived that the legal body would, therefore, anx-

iously follow, and steadily support the distributor of professional fame, fortune, and honor. As no presumption exceeded his arrogance, neither was innocence or insignificance beneath the pressure of his malignity. Unlike the mild and accomplished Englishman who succeeded him, he meddled with every matter within the Society, or through all the Courts.

The Steward of the Queen's Inns was displaced, and a minion of the Chancellor's fixed in his room. To render that place profitable, orders were issued and repeated to enforce arrears of every kind. *Cast Commons* formed an extensive fund, and were to be traced as far back as the year 1690. One pound a year thus attached upon each Member. The demand extended to every rusticated practiser, and operated with an electric touch like *civil free quarters* upon the legal community. What prudent man would not prefer the payment of ten or twelve pounds, rather than encounter the licensed slander of a protected dependent, or the relentless fury of a ruffian armed with ministerial power, and by no means scrupulous in the exercise of it? Cox's vision of absolute and lengthened dominion vanished as soon as the councils of Churchill, Godolphin, and Somers, gained their due ascendancy in the English Cabinet. The kingdom was rescued from the fangs of this apostate, and a man, who needs no higher character than that he was the bosom friend of Somers, was raised from the station of Chief Baron, and became Chancellor of Ireland.

“ A Com-

“ A Committee was then appointed to take the Steward's accounts from his accession to the sayd office to the present Term, and to report to this Society how they find the same at their meetings in the next Term. Dated January, 1707—8.” The book furnishes no report on that subject, nor whether any, or what default appeared. But his continuance for nearly five years without any demand of accompt, furnishes proof next to holy writ, how that matter stood, and what was the motive of his appointment.

If there be degrees in official infamy or guilt, a greater attaches to the opulent patron, than the necessitous or interested Officer. Is not the exercise of friendship sufficient without an indulgence of plunder? Affected ignorance, upon such occasions, forms a feeble screen; were it even the commencement of a bad character, it must fix an indelible stain, which renders a man in judicial station a scandal to Government, and a curse to the country. Under such circumstances the reader may almost imagine an independent tenure of judicial office hurtful or ill advised; but as political positions seldom admit of perfect good, the evil on one side can be but casual or transitory, but on the other, fixed and immoveable.

On the 15th of June, 1710, a correct and sensible alteration was made by the following rule:
“ That every Barrister, Six Clerk, or Attorney, admitted to practice, be obliged previously to give
bonds

bonds in twenty pounds, with sufficient sureties, to the Treasurer for the time being, to perform and observe the rules, orders, and directions of the Society." If the indulgence of tyranny had not always been congenial with the legal practice of Ireland, the doubtful, absurd, and cruel attempt to deprive gentlemen of practice for the default of self-created and arbitrary dues, would not stain the King's Inns Records. English societies presented the above regular, mild, and constitutional mode, suited to the genius of their Law, and the humane honesty of that country. It required a century to convince arrogant and unprincipled Irish placemen of its aptitude and propriety, and even then it needed supreme legal station in the friend of Somers to propose it with a successful effect. This disinterested and dignified act closed that Lord Chancellor's connexion with the King's Inns Society, and Irish Government. Freeman resembled his great friend, by softening the asperity of Law in Court, and meliorating its statutable spirit for future ages. Nor can the reader be displeased on finding, that under the same honest Administration, Mr. Addison was enrolled a Member of the King's Inns, and became an Irish placeman.

The Steward was restored by the Tory Administration, together with his honest friend. However, the subordinate plunderer, and that abandoned associate, graced the accession of George I. by a second and final dismissal. In 1710, the Great Seal had been given to Sir Constantine Phipps, and Cox condescended

descended to become Chief Justice: The entry of that Chancellor on the King's Inns Roll took place whilst he was one of the Lords Justices, and in the following terms, it is also the last which appears in the Latin tongue :

“Termino Hilarii, 1710, Memorandum quod Excellentissimus, Constantinus Phipps, miles unus Dominorum Justiciariorum hujus regni Hiberniæ, et Dominus Cancellarius ejusdem regni, ad humilem petitionem justiciariorum et aliorum jurisperitorum hujus societatis, dignatur se inter socios hujus hospitii connumerari.” The precedent appears a transcript of Chichester's in 1607, so attentive are legal Practisers to flatter pride and official rank. We find, however, that even high judicial station might be unconnected with the Society, and required a solicitation or election to entitle the party to such place, though the opposite doctrine has been craftily insisted upon, and enforced in our day.

How humbled this Englishman must feel, when the Great Seal was wrested from his hand, and the imperious presumption of an Irish statesman dwindled into a Chancery Clerk. They were too wise at that period to give a discarded Chancellor (who had been scarce four years in office) an ample pension for life, and enable him, in a comparative degree of independence, to harass Government by mean complaints, or an unprincipled opposition.

As Phipps was not raised to the peerage, he resumed his station at the English Bar, and became a
prime

prime favourite with Jacobites and Tories. Under such influence, respectable legal talents enabled him to attain general business, and encreased, if possible, his political petulance. The habitual indulgence of this vice led him into a disgraceful mistake. Phipps seemed to consider official station as still encircling him, and violated professional decorum at the Bar of the House of Lords, for which that august assembly most justly gave the offender a public reprimand. Thus difficult is it for an obscure Englishman, displaced from visions of legal or political despotism in Ireland, to resume the dignified correctness of public character, or the calm quiet of private gentlemanly manners.

The Tory party had, however, the mortification to see the discarded Chief of the King's Bench elected Speaker of the Irish Parliament, not meaning to retire even with that high rank, he returned to practice as a Barrister.

In England, and before the modern station of King's Counsel existed, precedence in the Courts was attached to the office of Speaker. That right might be unknown in this country, at least no notice is taken of it in a printed collection of Irish Custodiam Cases, where the Speaker's name occurs. Blackstone does not mention the *Speaker* in his class of precedence. It is not necessary to defend my position by quotation; I will rather account for the omission of that profound and accurate writer—no Speaker had practised for near a century before he wrote,

wrote, nor was the case likely to happen in future time.

Little further matter occurs in the internal concerns of the Society. It is, however, observable, that in Anne's reign for the first time, the word *Bencher* appears. Even under this institution a century had elapsed without its existence. Were it not rather matter of pleasantry than Law, I may add, that Sir Edward Coke would not desire a stronger authority against the claim; if non user is to have weight against the body at large, how many individuals must yield to its force? It is to a general non-attendance that a few misguided or designing persons owe the power of fanciful innovation and irregular authority.

The Society, however, poured from its bosom firm supporters to the Hanover succession at that trying and eventful period, for no person can, in my humble opinion, doubt the intention of Anne and her Tory Ministers to set on the British throne an attainted Pretender. The childless Queen did not enter into the motives which actuate politicians; she felt as a *Stuart and a woman*. Superstition even rendered her the more zealous: The death of all her children was attributed to the vengeance of Heaven for disobedience to her father. An important reparation, adequate to the supposed offence, flowed from secret and successful exertions in favour of an unfortunate brother. It was easy for an artful and ambitious prelate or statesman to confirm this natural

ral

ral prejudice, by which their rank, wealth, and power, would receive boundless strength. Hale and Monk were at least as sincere Christians as Atterbury or Bolingbroke, yet neither felt any qualm at a violation of their separate sworn engagements to the English Republic and Oliver Cromwell.

Though the statesman and prelate are scarce rescued by most eminent talents from national detestation, Anne's family feelings claim apology, and her superstitious prejudice merits excuse. Did not such a convulsed position distract her reign, excellence of personal character would compensate for a defect of political talents, and the dignity of royal station be sufficiently upheld to arrest the respect of posterity. This amiable Queen, and the *Stuart line*, seem to merit the compliment paid by Pope to her *natural* relation, the last Duke of Buckingham,—

“ In whom a race for courage fam'd, or art;

“ Ends in the milder merits of the heart ;

“ And chiefs or sages long to Britain given,

“ Pay the last tribute of a saint to Heaven.”

The preceding observations are merely introduced to justify the wisdom and integrity of George I. in a reliance upon, and employment of the Whig interest through his empire. That principle kept Ireland quiet during the rebellions which agitated Great Britain, and encreased her progressive prosperity in despite of commercial restrictions or constitutional defects. The King's Inns Society felt the usual pur-
gation

gation in its leading Members. The judicial Benches were cleared from presumed traitors and practiced politicians.

Judicial guilt, at the close of Anne's reign, was not merely uncommon, but general. Such as were of the Privy Council signed a report contrary to evidence, which was laid before them at that board. The puisne Judges concurred in this falsity without the warrant of any document. One of that body solicited the cause in England, and exhibited to statesmen a proof, that though Irish commerce was restricted, its Judges made a lucrative traffic *to the Crown*, and, by parity of reason, to *private parties*, of the property, liberty, and lives of fellow-subjects. Nor had these hardened criminals, or their partisans, any excuse to offer, but merely pleaded *great zele* against the *Pope* and *Pretender*, though nothing was more likely to introduce these foreigners, than the *cruelty or corruption of Protestant Judges*. However, the whole groupe would be removed on the accession of George I. had not one man among them, made useful discoveries, and to the original crime of judicial corruption, superadded the baseness of an informer.

I will not exercise the feelings of a Protestant or Whig in so partial a manner as to give an exclusive merit to all the new Judges. Similar vices stained many of them with those of their degraded and timeserving predecessors: in particular, an equal disposition to haunt the Castle, and receive its oracular assistance

assistance in popular or criminal trials. These suspicions have been confirmed (were proof necessary) by the confidential correspondence of Primate Boulter.

As this compilation is principally directed to the legal Students, who are the growing hope of our country, I shall feel ample recompense if they are thereby animated to the perusal of the legal and general history of our Empire through all its variety. In this class Ireland claims peculiar and distinguished precedence—almost every acre of it has been marked by confiscation, and the different principles of its acknowledged law tarnished by misinterpretation or tyranny.

The profound *Montesquieu* affirms, that History and Law illustrate each other—with a spirit equal to his wisdom he inculcates the precept, and exhibits the example. Let my young countrymen also imitate his literary perseverance, and “though wrapt in admiration at the works of others, yet neither sink into hebetude or sloth.”—Courage will not then be the leading feature of Irishmen—they must take a position equally advanced and dignified in the philosophy of History, Science and Law. The first Prince of the Brunswick line met in Irish loyalty a return suited to the honesty of his intention and personal character—such an history may be comprised in a concise political aphorism, *that the Prince was pleased, and his People happy.*

Two memorable circumstances, however, occurred in his reign relative to Ireland; they do not weaken the virtue of that Monarch, though each powerfully marks the singular misfortune of a Sovereign's living in a country, whose Senate claims an exclusive and paramount judicial or legislative authority over the neighbouring State. Time has consecrated, with just oblivion, these corroding questions. A legal critic may amuse himself in the closet with such review, as accompanying reflexions upon obsolete branches of our law, such as attain, appeal, or wager of battel; but patriotism and policy alike forbid the useless discussion of subjects, which at any time engendered heat between kingdoms, whose inhabitants are equally bound by public principle and personal interest to support, according to the motto of old Lyttleton, *one Law, one God, and one King!*

In 1721, the Steward appointed in 1714 was removed. The order appointing his successor, and the memorial of that person, shew that complaints had been made, and defaults proved against him—this affords an added instance of the abuse of patronage in this country, and that pride encourages such guilt. The secondary knave hangs upon his principal, and rouses personal pride to interest itself in the protection of official wrong. Private friendship and public principle require neither art nor hypocrisy to discharge these sacred duties, or uphold their honest claim. The patron need not blush when he supports a proper individual against competitors, however meritorious;

meritorious; and the dependent or candidate who expects more, gives a lively symptom of intended dishonesty, which ought to make his partisans shrink from the contagious contact of approaching dishonor.

The Black Book concludes with an order of the 6th of January, 1721, to the following effect: “That the first Monday in the Term be the day appointed for Commons—the Steward engages to accept of four shillings and six-pence for each Term from each *practitioner* for *Cast Commons*, instead of five shillings formerly paid.” The Order was made to that effect, and that he demand no more. Two days previous to the day of providing Commons, gentlemen intending to be in Commons are to give notice thereof to the Steward; and to enforce the above rule, all Barristers and Attornies who have not already entered into Bonds, are desired so to do.

An audacious and singular forgery concludes the above order, and is symptomatic of the fraud and tyranny constantly schemed, and occasionally exercised against the great body of the profession by profligate Ministers, or perjured Judges and their dependent tools. I have delivered the substance of the order, but, reader, *mark, learn, and inwardly digest the sequel*: In a different hand and ink from the preceding part, or the corresponding pages, the following lively addition is made: “and also Ordered, That all persons in arrear for *commons and pensions*,
forthwith

forthwith pay the same, or they shall not be admitted to practice."

In ancient times Statutes were left at the end of the Session for the Judges to reduce into form; and they have been charged by grave and sapient writers with having foisted in new matter. Eighty years have elapsed since the preceding entry—the foul charge cannot, therefore, be brought home to any individual or party in the Society; but when this is compared with the guilty interest of some, the reader will readily believe that many documents have been wilfully destroyed, and that this mutilated book has escaped that wreck, merely because its appearance, texture and irregularity, would, it was hoped, deter even patient dullness from a close and critical perusal.

How long are the lights of the nation to be thus abused?—Are novelties not merely to be tolerated, but the industry of monks revived in gracing the invention with ancient and corresponding imposture? were such practices successful, professors of Irish law could expect no security but in a slavish submission—triumphant tyranny would cover with its broad mantle presumptuous ignorance, and malignant hypocrisy. Such schemers seem to treat, by artful concealment, the youthful or inexperienced part of their brethren—as Herodotus records the Scythians, who put out the eyes of slaves—lest attention may be diverted by that faculty, whilst churning milk for their inhuman oppressors.

I find

I find the name of Chief Baron Gilbert signed to that order. To whatever length his zeal for the subversion of Irish independence might lead him, my mind is firmly convinced, that such absurd and illegal tyranny would be opposed by that learned and accomplished Judge, as variant from English usage, and for a default which the Society had corrected by an adequate and correspondent remedy. The opinion of Gilbert as to the benefit resulting from an appeal to the English House of Peers, must also be confirmed by his personal knowledge of the ignorance, corruption or party-prejudices of his judicial brethren; for the roar of an interested cabal in this country has been generally mistaken as the sound of sense, and in almost every change the judicial station was considered a party premium, and not a just offering to general learning, legal research, and unblemished integrity. There were few other places in this kingdom to satisfy a Ministerial movement—the vices of the country have thus flown from the faults of Government, and will totally disappear when the justice and purity of the English system has become habitual at the Castle.

The Great Seal was taken from Lord Midleton in 1723. This event flowed from an attack in Parliament on account of an absence in England, *though with leave from the Crown*. This last and longest visit was for sixteen months, and had been solicited on the score of ill health. If example could sanctify an evil precedent, the Chancellor had many to produce, in the persons of two Englishmen, Porter and

and Methuen ; however, some resolutions were voted, reflecting on his Lordship for not stating to his Sovereign the injury which the absence of such an officer must occasion, both in the Courts of Chancery and Exchequer Chamber. The plea of known ill health, or being an English Commoner, did not avail as a defence ; which circumstance seemed a signal for his Lordship to retire, as he could not (most probably) remove the former affliction, and the shield of senatorial situation was wrested from him.

I will not guess into the motives of individuals, whether they originated in zele for the public good, or in a concealed movement of Ministerial machinery ; though it is but justice to add, that his Lordship's official integrity and gentlemanly behaviour seem confirmed by this parliamentary ordeal ; for such grounds, properly supported, would satiate personal malignity, and fix upon the culprit indelible disgrace. Broderick's family seemed to overtop the house of Boyle in the county of Cork ; and his Lordship ousted the *Duke of Newcastle* in a *Sussex borough*—offences not to be palliated by *official correctness*, nor overlooked from compassion to *corporal infirmity*. His Lordship retired with fullen dignity, but untainted character—he even gave a pattern to English Chancellors of superior independence, with respect to place or pension ; for in that country such an officer was in 1725 convicted of *corruption and tyranny* ; yet, every part of the sentence, *save the ignominy*, operated as a dead letter—the delinquent

T

was

was continued a pension, and his son enjoyed a most lucrative sinecure. Sir Richard Cox in retirement became consoled by this depression of his countryman and rival, whilst another imp of Irish party became deeply mortified.

Chief Justice Whitshed conceived that the Great Seal of Ireland was his descendible right. Exclusive of parliamentary services in early life, he had merit of a later date, and in a different line, to second such claim—perjured zeal, and presumptuous tyrannical practice in criminal trials. The Irish Cabinet expressed a regret at not being able thus to sanctify qualities congenial with their own. This memorable man might escape posthumous remembrance, and direct craft or corruption to temporary convenience, and personal malignity, if his judicial profligacy did not justly provoke the satyric pen of Swift. When that great man most loyally attempted to rouse torpid Irishmen to a preservation of property against fraud and indirect robbery—or to sustain their private fortunes and starving artisans by an use of domestic manufacture, honest and nervous publications were considered libellous.

The Attorney-General, however, dared not fyle an *Information*, and look for conviction.—*Indictments* were therefore resorted to, in which entire business Whitshed became an *interested and envenomed partisan*. Each recorded transcript of English mal-practice was exercised, whilst the plain principles of that code were *exploded or denied*. If judicial purity should resemble

resemble female honor, we need not doubt, that Whitshed became soon callous to the *call of conscience*, and exercised, without *scruple* or even *pecuniary bribes*, party hatred and personal malevolence in *many private causes*. His acquaintance was extensive, and included a circle of similar characters.—Their *cowardice* or *crimes* often provoked animadversion, which evil passions required indulgence, and *sometimes a screen*. The *pliant Chief Justice* was ever at hand, *solicited or encouraged* parties, and courted this infamy with such a forward approach, that his associates, or dependent minions, did not *tremble or blush* when they avowed Whitshed's previous knowledge of criminal business, and a pre-concerted judicial determination. Such mal-practice must often fail of success, if the Chief Justice had not a suitable *associate* and humble friend in *Brother Boate*. Thus, secure of a majority, the *virtuous Caulfield* was disabled from effectuating any thing, except a display of *undoubted integrity*, and sound *legal knowledge*. Even Swift has not been sufficiently just in this instance—for the approbation of honest Judges is full as useful in a public point of view, as the keenest censure of such as are impudent or corrupt.

Since the practical abolition of the Castle or Star-chamber in this kingdom, the Court of King's Bench is of most material importance, and its decisions merit a constant review as *affecting life*, or rendering *existence miserable by arbitrary and severe punishments*. Without such firmness and precaution *novelty* may creep in, and at a proper distance of time assume the

appearance of *legal precedent*. Thus, in our time, a *capital convict* failed in arrest of Judgment upon points, which it was admitted would successfully avail him at Westminster, so powerful was *Irish innovation* against *English justice*. The well-known cases of *Steevens Reilly*, and *Magee*, further illustrate the preceding attempt, though desuetude justly marks the reprobated extravagance of the former, and the Legislature mildly abolished the malignity of the latter; but *the Judges met no appropriate censure for either abuse*. *Fiats and Attachments* being thus allayed, the doctrine of *Informations* alone remains to erect *party variations* or *personal malignity* upon—a subject too clear for the dullest legal blockhead to mistake, and too *material for Parliament to overlook*. Whitshed finished his career by an implied avowal of guilt—he solicited the Great Seal, and on disappointment determined to sever himself from further prostitution, by becoming *Chief Justice of the Common Pleas*. The fiat of an English Minister did not feel for the mutual regrets of a corrupt Judge and obscure Statesman; the Great Seal was therefore given to a pamphleteering partisan, who died in so short a time after arrival, that his services would be totally forgot in this country, but for the pension so long paid to his family—he was, however, a man of considerable legal talent, and unexceptionable personal character—whose name has been rendered still more respectable by the classic genius of one relation, and the naval merit of another.

Chief

Chief Justice Windham was raised from the Common Pleas to the Chancery Bench ; a person whose conduct, as Chief Judge of an Irish Court, gave a good earnest to the kingdom of the propriety of such promotion. Unlike most of his predecessors, or some of his successors, he tempered a natural disposition to justice with a correct knowledge of general equity, as exercised through Europe, or ingrafted on the system of English Law ; his Court therefore became an enlightened school, in which a mild and benevolent Magistrate, by practice and example, animated the Bar to legal skill ; he further satisfied the nation by a marked discountenance of party views, or the personal interference of official attendants in any matter submitted to his decision.

The ministerial situation of this country enabled him to exercise another quality equally correspondent to the purity and moderation of his temper. A leading commoner managed the lower House, and upheld administration with vigour and integrity, whilst the link of official connexion with the English Cabinet was upheld by a prelate highly entitled to notice in an historical review of the legal profession. *He too was a Member of the King's Inns,* and grasped in the vortex of his ambition, the *management of clergy and laity.* My opinion of the Primate's private virtues and public talents is guided by strict impartiality. The vices of a statesman become the more dangerous when clothed with exterior decorum, and an exercise of personal benevolence. Thus, feudal ruffians consecrated crimes by donations

tions to the Church, and clerical timeservers or tyrants, a *Woolsey*, an *Ximenes*, a *Richlieu*, and a *Boulter*, affected to atone for injuries in each country, which they managed, by an encouragement of particular charities or posthumous foundations. The reader shall be gratified by the Primate's pen with authentic proofs of his personal and ministerial integrity.—A few quotations from that unexceptionable authority will justly supersede the fallible assertion of any man. P. 3. The independency of this kingdom is a very popular notion. *ib.* The Parliament may fear the madness of the people. P. 11. Whenever the Archbishop dies, it is necessary that an Englishman should fill it. P. 12. As many Englishmen to be sent, as may be with decency. P. 17. The English interest to be thoroughly supported. *Us from England, whose hearts are still with our country.* The only way of keeping things quiet is to fill the great places from England. P. 19. No one for the future but Englishmen to be in great places. The Chief Baron to be an Englishman. P. 49. I must own we deserve no favour here. P. 64. Irish Lawyers inferior in skill and experience to the English. However, the patriot prelate deigns to consult, on a law point, the Archbishop of Canterbury. P. 90. The two Chief Justices to be Englishmen. P. 93. If an English Bishop be sent, let it not be for being good for nothing there.

If so good a man could forget his duty as a prelate and minister to the people with whom he resided, what confidence ought Irishmen have in inferior

ferior characters? Similar sentiments operated upon the general class of imported placemen, who, by misinterpretation, fraud, and self-interest, upheld the barbarism and hostility of both countries in their mutual administration. To such a man Lord Chancellor Windham cheerfully resigned the corrupt patronage and systematic support of an Irish Cabinet. In this manner the nation and its legal body was governed during the reign of George I. upon whose demise the sceptre fell to his son without any judicial or ministerial movement in either kingdom. In particular, Ireland felt the natural result of peace—an increase of materials for food or manufacture correspondent to the fertility of her soil, and such addition to population as may be expected from the temperate habits of an healthful and vigorous peasantry. But this honest Prince seems unfairly dealt with by domestic parties.—Whigs enjoy a favourite political position without an acknowledgment sufficiently strong in favour of the Monarch. Ministers and self-interested followers are eager to transfer the lustre of political measures from the royal brow to their own, whilst the great body of the nation seldom enquire into remote causes, provided they are blessed with beneficial effects. But the discernment of George I. in a choice of Ministers, and his undisguised adoption of that party who unequivocally acknowledged and adhered to the principles which seated William on the British throne, equally prove his skill in the science, and integrity in the management of Government. If he was ignorant of English Law, his good sense at least led him to
revere

revere it. Though an ungrateful Courtier (from motives of apparent ridicule) likens his qualities to those of a plain *German country gentleman*, let me add, that no character was more likely to make a good British King. The events of his reign corresponded with this presumption, which were in general peaceful and prosperous, whilst the Royal character for bravery, candor, and humanity, stood unimpeached. But Ireland owes him peculiar regard, as her people were wisely encouraged to industry, by withdrawing from practice, the progressive severity of penal statutes. Thus, George I. seems fully entitled to be the parent of an illustrious dynasty of Kings, and may merit, from grateful posterity, the Roman's application to a living Prince, "That in *bravery, honesty, and humanity*, he may resemble *George I.* and govern an empire with equal prosperity and success."

King's Inns corruption or tyranny no longer wound the reader's integrity or public spirit. No benefit was likely to result from attempts at the latter, and there was no ground left to exercise the former vice upon. Even the chambers of the Judges became too ruinous for residence or occasional visits; nor were these grave characters displeased thereat; it furnished them with a plausible excuse of declining evening attendances on judicial business. The indulgence of hospitable habits in private houses was more congenial with the national character; this variation was therefore not only overlooked, but popular.

The

The northern side of Dublin had been increasing in size from the reign of James I. a long and regular quayage marked that side of the Liffey. Merchants moved from the confinement of a walled town to this convenient situation, and residents of rank preferred new and airy streets to the fixed and confined avenues of the ancient city. This influx of inhabitants added to the number of parishes, and necessarily made the site of houses more valuable. Members of the legal body were therefore eager to convert temporary chambers into a fixed inheritance, or obtain a vacant spot for the erection of suitable town houses. By this pursuit the possession of a considerable portion of the old Monarchy was wrested from the profession; several families have therefore no better evidence that their ancestors were Members of the King's Inns, than the enjoyment of such property.

Nor was the collusive jobbing confined to outlying portions of the royal grant; its pernicious spirit entered the precinct, and houses have been built where the walks and gardens of the Society were formerly laid out. Whatever portion escaped this professional plunder has been silently encroached upon by the neighbouring inhabitants, or forms the site of the Four Courts, and public offices, with a few adjacent houses. However, the rising prosperity of the nation did not contribute to strengthen or beautify the King's Inns. The profession attained an adequate advance in personal respect and national importance,

importance, whilst the mansions of its early settlement were sinking into insignificance and ruin.

An alteration had not only taken place in public manners, but in the conveniencies of private life.— A biennial Session of Parliament gave to Dublin the leading expenditure of the nation, which city was changed from a conventicle of monks, or garrison of military adventurers, into a populous, powerful, and polished metropolis. The rising hope of the country was there fixed for university accomplishment, and enabled to feed dawning genius, not merely with ancient learning, but an immediate review of whatever was distinguished at the Bar, or eminent in the Senate. Many persons, for the furtherance of family education, took settled residences in Dublin, which custom became peculiarly prevalent in the legal line. Where that was not the case, accommodations for diet and residence had so encreased as to render collegiate habits not only unnecessary, but inconvenient. Above all, the Judges lived in different parts of the town, and did not, even in Term time, attend King's Inns Chambers, as their English brethren do at Serjeant's Inn.

The preceding circumstances fully account for the gradual decay of the buildings, and why no application was made to Parliament for aid to repair or beautify them. The only remaining mark of such a situation consists in the usual clamor about cast Commons and Pensions, a considerable portion of which, at different periods, sunk into the pocket of the Steward,

Steward, or Under Treasurer, who was generally the protected minion of some leading member. Such officers as escaped the official contagion are therefore entitled to double credit. For the Steward's benefit and roofing this judicial conclave, the connexion seems to be continued.

We find, however, in 1732, that Doctor Caleb Cartwright, a junior Fellow of Trinity College, was appointed Chaplain to the Society in the room of Mr. Gibbons; yet such is the careless or mutilated state of the latter existing documents, that no entry of Mr. Gibbons's appointment appears therein, nor whether the situation became vacant by that gentleman's promotion, removal, or death. This year was also memorable for an attempted abuse of authority, as flagrant, as unjustifiable, and as infamous as what affected the Society in the preceding century, with respect to Sir John Everard.

Mr. John Fitzgibbon applied for a call to the Bar, with a moral and literary character not only sufficient for the purpose, but a scrutiny into which must attract attention and respect. Though descended from Popish parents, he understood the Law too well to apply without removing the effect of such impediment. For this also a recent precedent occurred in the case of a Mr. James Roche, who was admitted a Barrister in 1729. His education in a French university could not be a matter of regular enquiry, as a college degree was neither respected nor required.

With

With the preceding protections and qualifications the reader may feel impatient to know what ground of rejection could be fairly adduced against him;—it seems, ambition or lucre urged him to take and publish notes of cases determined in Westminster during a five years residence in England; they bear strong testimony to his industry and diligence, and are worthy the imitation of Students. The want of a judicial fiat was considered indecorous, and even induced Lord Hardwicke to consider them as no authority, though, with the candor inseparable from great ability, and the knowledge of a cotemporary, he admits their accuracy. The preceding assertion of that great man proves the propriety of caution in judicial *dictums*.

The Chancellor did not foresee that his intimate friend, Sir Michael Foster, would avow an indifference for such certificate, and that an Officer of the King's Bench, not deigning to publish his Lordship's decisions, exercised a similar privilege, not only with impunity, but applause.

An Irish, and even a Munster faction, circulated with active malignity the propriety of marking a man by rejection, who had thus, in their opinion, committed a direct contempt against the Judges of England, and which merited the vengeance of their subordinate and subservient brethren in this kingdom.

This

This concealed and sudden attack was even carried, and the Chancellor left in a minority. Had that great officer been a petulant, unprincipled, unfeeling party-man, or an arrogant upstart, of vain and innovating manners, he would gratify such a disposition by a cruel and inconsiderate assent to this horrid measure. What would avail the complaint of a young man, no matter how meritorious, rather obnoxious to Government and Parliament from lineage and mode of education, also equally destitute of connexion or public character to vindicate the wrong.

In this entire transaction Lord Windham had the cordial support of Chief Justice Reynolds. They resisted, from motives of Justice, the attempt, and agreed in thinking, that a person performing the legal requisites enforced by modern Statute Law, and the ordinances enjoined by prescriptive authority of the English Inns, had a right to be called to the Irish Bar; that the Statute of Henry was a Directory Statute, ancillary to the preceding forms, and which made the Chancellor an instrument of its observance, without giving a discretion to a self-created Irish Society completely modern, of obliging the keeper of his Majesty's conscience to obey, or resist the call.

At first the party strove to affect popularity, by proclaiming the propriety of considering the King's Inns as equal to the English Inns of Court without paying any attention to the difference of its rise, progress,

progress, and management, or reflecting upon the inalienable privilege of Irishmen to enjoy the full benefit of the English Common Law, unless where controuled by Statute authority; but they finally and silently yielded to the Chancellor and Chief Justice. When the reader reflects on the excellence of Mr. Fitzgibbon's personal, political, and legal character, it must inspire him through life with an added abhorrence of concealed, unsworn, and tyrannic discretion.

In this instance the voters have not been ascertained. The junior Serjeants were, however, the avowed, but subordinate leaders; men, whom the reader will find damned to merited infamy upon legal and historic record by the baseness of their own acts—one as a vindictive assassin, and the other as a Popish discoverer.

No regular trace of the above abortive innovation disgraces the King's Inns books, nor was it their mode when a Student was postponed. This alteration was reserved for the versatile craft and malignant effrontery of our time. I am entitled to credit for the preceding account, as delivered to me by a gentleman well known, and justly respected in his day as an able Barrister, and person of untainted honesty, which information arose in the following manner:

In my juvenile days I was weak enough to imagine, that legal industry and general learning formed a stranger's undoubted recommendation to judicial

cial countenance and favour. Such attributes I thought attached to Mr. Fitzgibbon from his reports and collegiate character. Mr. Dwyer Lyfter, to whom I mentioned that circumstance as one cause of his rapid rise in profession, removed the illusion by the foregoing detail.

If I have not paralysed the reader's pursuit after literary fame, he will be curious to know whether Irish legal writers, or their works, underwent a similar ordeal, or by what concurrence of accident they avoided the trying scene; the answer will be concise and satisfactory. No private Irish Lawyer ever incurred the penalty by publishing a legal report. Sir John Davis, and Chief Baron Gilbert, deciphered with singular ability, and by a copious commentary, the leading decisions of their day. The case of tenures was also compiled by Baron Barry. The two former were Englishmen, who either had the countenance of Government, or the protection of rank and character, to circulate their works, and the last was a state compilation. I am far from thinking a multiplication of cases useful, but when circumstances occur of intricacy or novelty, and the determination has been had after solemn and elaborate argument by a learned Judge or Court, such a report becomes highly valuable; it does not form the lumber of a Law library, but elucidates and confirms a doubtful point, or eradicates established error, and sanctifies the change.

Even

Even English Courts will always respect such well-weighed Irish decisions, and support, under proper limits, our construction or interpretation of received maxims and acknowledged Law. There have been, however, cases which in no possible position could be referred to English jurisdiction; such have always been the trials of Peers. Irish nobles have not been exempt from human frailty or crimes—four have therefore within the two last centuries been tried for murder. In each, new, singular, and original legal points, may be presumed to come under debate. The first case was before the Revolution, in the person of Lord Dunboyne. The law of peerage was then the same in both countries. Lord Netterville was tried during the sitting of Parliament, in the reign of George II. Lord Santry's conviction also occurred a short time after, but during a prorogation of Parliament. No regular account has been published of the preceding important matters.

Another nobleman was tried for murder in 1798, a memorable year in Irish annals, when the triumph of legal authority over the higher ranks, ought to be fully and faithfully displayed to the lower classes. This business was, however, smothered for want of an authenticated publication. The reader must allow me to state some points which appear on the Journals:—There was no prosecution;—a notice signed by the noble Earl was sworn to be served on the widow of the deceased, and also on his son and daughter. *They resided in London.* The notice did
not

not state that the party was in custody, but that he would, *forthwith*. No evidence was given to ascertain whether the son or daughter were children, or grown up. The parties were, however, to take the *word of an indicted felon*, and cross the sea, or fail in the prosecution.

Another curious circumstance occurs, which illustrates our state of justice—A notice was served upon the Attorney General: What! had he nothing to do with the imputed crime; or did that critical year so overwhelm him with Castle intrigues, or the punishment of Commoners, as to supersede an official review of the peerage? This trial, thus neglected by the law servants of the Crown, might, in the opinion of the noble triers, be a case fit to be put off until the Crown was able to arrange the prosecution, and due vigilance exercised to bring forward that evidence. After the noble prisoner pleaded *not guilty*, how great the embarrassment! By what principle or precedent could the trial be then delayed for the purposes of substantial justice? Hastings's case would not apply either in the effect of the prosecution, or its management. I merely submit the preceding positions to the reader's reflexion; if they appear new or extraordinary, the trial should be published according to modern usage.

The Union Act has, in this point of view, fixed a double character on the Irish Peerage—whilst Members of the lower House of Parliament, they

U

are

are subject to the ordinary trial of a Commoner. Let us enquire whether there be any *casus omitti* in the double viewed provisions of that celebrated Statute. If an Irish Peer stood in the shoes of Sir Francis Burdett, and pending the Biennial Petition for Middlesex, was charged with felony or treason, it would be mercy to the public or the party, to dispose of the business in an expeditious legal way. No adequate answer arises from the observation, that until ousted by petition, the Irish Peer is to be treated as a Commoner. But, suppose him arraigned on a charge of High Treason, before the English or Irish Court of King's Bench, and the Prisoner and Crown thus at issue; should an expulsion, or ouster by petition, occur between that day and the time appointed for trial, in what manner is the serpentine coat of Hibernian Peerage to be eluded or controuled?—Is that a stage for the removal of criminal process by *Certiorari*? If old established law cannot reconcile this contradiction, does the Union Act, in any or what manner, solve the riddle?—Has the lively sarcasm of Swift been realised; and is Ireland, in fact, become the floating island of law? That tempestuous whirlwind has disturbed it for several preceding centuries—the late memorable movement ought, therefore, to fix our state at anchor.

I fear, that when patience and impartiality have guided Irishmen or Britons to an accurate review of its various provisions of finance, commerce, or manufactures, explanatory statutes will be necessary to fortify or perpetuate an equal system of benefits to both

both islands. Let us mark an apparent omission, equally hostile to acknowledged prerogative, or the proper progress of the established Church. The union of bishoprics is a mere creature of policy, vested in the Crown from time immemorial, or at least annexed to the royal character *as Head of the Church*. The severance of Sees hangs equally on the Sovereign's will, and may be exercised with great wisdom, according to extent of population, or other existing circumstances. Did the improvements of Clonmell suggest for its See of *Lismore* an insulated renovation? or extent of territory occasion a severance of the Kingdom of Kerry from the diocese of the bishop of Limerick? or was Ardagh, already separated by locality from Tuam, to be reinstated as *a sole Bishoprick*?—Would not his Majesty, as a nursing Father of the Church, merit applause for the preceding alterations?—Is he restrained by the Union Act, which, however, limits the number entitled to periodical seats to eighteen?—Are the preceding ancient bishoprics to enjoy baronies without the usual legal privileges?—nor would it be a grievance of much less magnitude, were a corrupt Minister to accumulate episcopal unions, with intent to secure pliant voters.

I merely advert to statutable omissions, and do not enter into criticisms upon the political object, method of attainment, or variations from the Scot's Union, with the motives of individual voters. Even since the preceding observations were wrote, a new and unexpected occurrence bears against the appa-

rent accuracy of the Union provisions. Had Mr. Ponsonby* resolved to continue in the Commons House,

* When Messrs. Erskine and Ponsonby were appointed to their respective Chancellorships, it was stated, that the former was the second Scotsman who held the Seals of Great Britain; and also added, that the latter gentleman was the second *native of Ireland* who presided in its Chancery Bench. Let us try whether the best mode of combating *prospective or impudent falsehood*, be not an adoption of firmness and undoubted truth. On the revival of the King's Inns in 1607, a Welchman held the Great Seal of Ireland; but as it is my determination to mete out censure or praise, with impartiality, to the *men of every country*, that learned and incorrupt prelate has already met such consecration in the *King's Inns Remembrances*, published last year. Since that Chancellor's decease, a period of 187 years, the Irish Great Seal has been held by natives for upwards of a *century*. No nationality can be suspected in criticisms upon Irishmen—they were (some at least) stained with *ministerial versatility*, or courtly vice; but, without exception, men eminent for *personal firmness, classical learning, legal judgment, and political talent*. Whereas some of our Anglo-Irish Chancellors seem to be sent *like Bishops from England*—that is, (according to *Dr. Boulter*) for *being good for nothing at home*. Their Memoirs must form an original and instructive Work, though the materials would be *often mean, and mostly vicious*.

I acknowledge personal obligations to Mr. Ponsonby, which are measured by respect for him, and not their actual extent. They were also received with double pride, from an humble hope, that the kindness was partly a testimony to political purity; but such favours must be justly cancelled on the altar of public justice. The descendant of *Cavendish* and *Russell*, however, gives better hope, and will faithfully explain, as well as firmly uphold, that *unrivalled Legal Constitution*, which the former struggled for *with unshaken courage*, and the latter cemented with *his innocent blood*. Should a melancholy necessity enforce

House, and unite such situation with his high office, in what manner could that gentleman be obstructed from holding such seat? *He is no Judge of either Kingdom, nor the Chancellor of Great Britain*; but the latter is *ex officio* Speaker of the House of Peers, though a Commoner, and upon that account incapable, from time immemorial, of sitting in the House of Commons. But this circumstance does not affect an Irish Chancellor in the Imperial Parliament. If the spirit of a Statute can supply omission, there would be an end both of Liberty and Law. Let me, however, illustrate the criticism with conclusive legal strength, on a *Writ of Error or Appeal*: When the Chancellor of Great Britain is a Commoner, the House of Lords would violate the law, and so far subvert the Constitution, if they referred to him any point upon either, or blended an alien opinion (however able) with the Judges of the Land.

But it may be said, that the House may refuse to receive him. What! brand a man by *expulsion or incapacity*, distinguished by *noble descent, legal genius, parliamentary talent, and personal integrity*. Such a vote would revive Wilkes's case with a malignant comment; besides, no reason could be offered from analogy, which did not apply to the Irish Chancellors, *Methuen, West, and Middleton*, who respectively

enforce the choice, I will forget my friend, but remember the country; and in such case, act as *Lord Russell* would by his father,

“*Ad penam pulchra pro libertate vocabo.*”

tively fat as Commoners, whilst they held the Great Seal of Ireland, and were supposed, by English Senators, to hold a subordinate but connected judicial seat. I am not fearful that Mr. Ponsonby will bring the point into discussion; he has already attached himself, with unabated diligence, to discharge an *Herculean task*—the increased and accumulating arrear of Chancery business. That gentleman also declared a determination to sit a considerable time previous to Term—a measure never adopted by any predecessor for the last thirty years. The convenience of practicers merits every attention, but the national interest supercedes that seductive plea, and powerfully marks the Chancellor's official motive.

I do not offer the preceding ebullitions of Union inaccuracy, as an apology for thus engaging to write an History of that great measure, with an appropriate preliminary discourse. Honest fellow-subjects will overlook many defects from integrity of design, and usefulness in the subject. Accuracy of legal quotations, or extent of research through the Statutes of *England, Scotland, and Ireland*, may be relied upon—that laborious drudgery is within my power, and rendered amusive by constant habit—even a compilation, bottomed on such principles, may be instructive, and a faithful guide to a future philosophic historian.

“Ergo fungar vice cotis, acutum,
“Reddere quæ ferrum valet, excors ipsa secandi.”

The

The proceedings of the Irish Bench were generally tinctured by the leaven of party, and an hereditary disposition to tyranny. The model of English mildness or regularity, made but a feeble impression; recurrence must be had to unpractised rules, pregnant alike with malignity and legal ignorance. The distinct name of Benchers had, in the reign of George II. become familiar and well known—a voluntary legal association, degenerated into a perfect resemblance with a close or rotten Corporation. The Members assumed interested political vices, without any useful pretence for a connected continuance. No part of the ancient Monastery remained in the immediate possession of the Society, except the mouldering Chambers of Judges, with a few in the occupancy of clerks in the public offices, or abandoned by them to the sojournment of prostitutes and thieves. Preceding plunderers had legalized, by length of time, the outlying ground against every title but the Crown. The rulers were reduced, as in our time, to the mere mismanagement of existing income, or the concealed embezzlement of established assessments.

Parliament did not indiscreetly affix taxes, and studiously exclude them from the review of national accountants; thus, there wanted any sufficient pledge for perpetuating a flagrant job, which supercedes by comparison the craft of monkish legends, or legal mal-practice. Even under the preceding degrading disadvantages, *Commons continued*. About the year 1736, we find the Chancellor's Termly charge,

2l. 1s. 4d.—a Chief Justice, 1l. 13s. 4d.—a puisne Judge or Benchers, 16s. 8d.—a Barrister or Attorney, 8s. 4d. Notwithstanding these moderate sums, the Hall seems to have been so slenderly attended, that the old orders were revived—the last to that effect, appears in Trinity Term, 1736.

The correct, adequate, and constitutional mode of enforcing these arrears, through the medium of the bond, was overlooked or abandoned; to disbar a *Daly*, a *Malone*, or an *O'Callaghan*, for not paying arbitrary pensions—or attending collegiate Commons, (could it legally be done) may correspond with the legislative or executive habits of a certain class of Judges; who are thus described by the late Mr. Justice Robinson, in that well-known pamphlet which occasioned his elevation to the Bench: “Whose history, in a judicial capacity, would furnish more *atrocious barbarities* than *any robbers in story*—but passed *unnoticed, uncensured*, to the *scandal of all civil society*.” Such were the sentiments of a learned co-temporary Barrister, from which description it would be arrogant and unfounded in the reader or me to dissent. This last arbitrary, though impotent movement, roused the indignation of the Bar; for we find that they were resolved to ascertain their rights, or those of the Benchers.

Professional or personal servitude is doubly galling in a nation of freemen; and to have it established among practisers, who, with a few dignified exceptions, view each other with *envy, jealousy or distrust*—converts

—converts a private mischief into a national evil. Under such circumstances, slaves alone would attend the Courts—who must subscribe to every interested and time-serving doctrine *issuing therefrom*, or even degrade ingenuity in its illustration and support. These obvious consequences led the Bar to demand an inspection of the King's Inns books, as even the presumption of ignorance could not impute prescriptive tyranny to English law, or the practisers of that celebrated code. The Benchers acceded to the request with becoming promptitude, in the following terms :

“ November, 1736, Ordered, That Mr. Parkinson or Mr. Marshall, on the part of the Utter Bar, have liberty to inspect the books.” We do not find any result of this inspection; it is more than probable that *Windham and Reynolds* smothered the virulent malignity of a few degraded Benchers, and also prevailed upon the legal body not to perpetuate the scandal by a published report.

The reader may feel surprise, that Irish Attornies (a most independent class of men) did not provoke a similar enquiry. Their reserve did not flow from the selfishness of permitting others to fight their battles, and availing themselves of the event—it arose from a popular mistake as to their state and profession. Judicial discretion in this afflicted land, has been represented as the law of tyrants, and because Judges are enabled to admit Attornies in their several Courts—and bound to remove such as are clearly convicted

convicted of practical delinquency. It has been vainly imagined that they have no measure to be guided by in the exercise of either, but an arbitrary and unsworn discretion. To relieve honest magistrates from such an imputation, and reinstate the representatives of suitors in a full firmness of hereditary right, can never be an ill-timed or improper act.

They are as independent of the Judges, as the latter are of Parliament—some evil deed must be proved, to warrant judicial or senatorial censure. When innocence or honor (should that melancholy case ever happen) is wounded by such base attack, in a Court of Justice, or by either House of Parliament, my fellow-subjects will, I trust, vindicate the wrong, and feel, in the manly language of Lord Holt, the intended oppression of an individual as an injury to them all. In 1738, Mr. Marshall was created a Serjeant, and in 1754, a Judge. A selection of that gentleman was extremely judicious; he had an active persevering mind, a warm intrepid temper, and a judgment sufficiently severe, to distinguish between hollow professions and practical inclinations to tyranny. Such person was well calculated to depress a guilty groupe, not more by personal courage, than undisguised contempt. In the succeeding year, Lord Wyndham resigned, to the regret of every honest or intelligent Irishman, having rendered a name, memorable in England for wisdom, public spirit and eloquence, a subject of grateful regret to the Irish nation. His retreat was also unmarked by pension,
place

place or reversion; not that I think such rewards ill-suited or unbecoming the *quietus* of an able and impartial Judge; but the pursuit, whilst in office, is not only disgraceful, but criminal.

Robert Jocelyn, Attorney General, became Chancellor; a gentleman of unimpeached political character, amiable private manners, and distinguished legal ability. These passports to posthumous fame are, however, often unsuccessful in the Four Courts. But an youthful acquaintance and professional intimacy with the Earl of Hardwicke secured his promotion. Lord Jocelyn has higher, and more lasting merit, than obscure Chancery Records usually convey. He united lettered taste with official integrity, and wished to redeem the darkened annals of this country from fable or falsehood. With this view he became the patron of Harris, whose industry was unabated, but which failed of suitable success from an anxious attention to the influence of existing power, and a proportioned neglect of posterity. Had the Chancellor met a Lawyer of superior merit, turning from lucrative allurements to lettered pursuits, such an enlightened individual would probably be encouraged, and rewarded with suitable care; yet the preceding exertion forms a monumental foliage, and throws a lasting lustre round that nobleman's character.

Thus, Chancellor Ellesmere is remembered with respect, not for his argument, entitled the Case of *Post Nati*, or an impotent criticism on Coke's Reports,

ports, but as the patron of Sir John Davis. The political versatility, or imputed crimes of Shaftsbury, are forgot, when we reflect, that an Author was formed under his shade, who made "the whole internal world his own." Chancellor Bathurst's perishable imbecility is atoned for by directing official station and influence to the protection and promotion of Sir William Jones :

" Of that fond Spirit whom th' Asian Muse
 " So deeply steep'd in all her fragrant dews,
 " And o'er whose early work his mental feast,
 " She pour'd the sweetness of the risted East."

Chief Justice Reynolds was also removed shortly after, and thereby enabled to exhibit, on the English Bench, those professional talents and accomplished manners which endeared him to the malignant and unprincipled parties of this distracted land. Henry Singleton, an Irishman of superior legal talent, and equal personal virtue, filled that vacant station. This gentleman was the last Treasurer, during whose official station Commons were held ; a circumstance not otherwise to be accounted for, than that the universal sense of the profession and nation was against their necessity or use. About this time two puisne Judges were appointed from England, equally destitute of proper legal knowledge, but different indeed in every other respect. The one, eminent for classic taste and scientific knowledge ; the other, an illiterate hackney clerk, bred in an Equity Office, and incapable, from

Society. This office became peculiarly troublesome—a Barrister, or Attorney, was to solicit from his fellow Practicers in either line, trifling dues, or be accountable for the neglect. Hence it was easily foreseen, that a fine was requisite to enforce its acceptance. On a similar principle we find, that the dignified shrievalty of London and Dublin is shielded from declension, by a competent penalty.

There was no struggle nor canvass for either of the Treasurerships. However, good sense yielded to the vanity of imitation, and the latter offices were suppressed or discontinued early in the reign of Charles I. The more useful office of Steward supplied their place.—His situation was subordinate and ancillary to that of the Treasurer. A Member of the Society sometimes discharged this duty, as appears from undoubted authority in Mr. Thomas Brighthurst, the father of Dean Swift, and Mr. John Smyth, and more frequently an extern of inferior character. The Society, though visibly entered into on a frame of apparent democracy, verged to aristocracy, and terminated in the detestable position of an oligarchy. The striking features of despotism are visible in every variation.

The original restoration is marked by freedom, honesty, public interest, and personal convenience. When the legal body assented to the Union, leading members took advantage of an expected non-attendance, and usurped by improper, but concealed entries upon the books, a language of separation,

the existing chambers, the adjacent ground seemed more desirable as the site of houses in their respective families. Thus far they resembled a Corporation, and continued the mutual complaisance until the entire surrounding property was completely disposed of. In every vicious or corrupt movement of this kind, the existing Government gave them secret encouragement and aid. To attack subjects by an hope of plunder, to awe them by a system of tyranny, was the unvaried feature of Irish politics under the detested race of Stuart. In profligacy of this sort they were not exceeded even when the three kingdoms yielded to the tyranny of the saints, or their active apostle Oliver Cromwell.

The legal body was never so sunk in servitude and vice as not to produce dignified dissenters to a considerable number.—Such persons were objects of malignant jealousy to evil ministers, and honored with the peculiar hatred of their own false brethren. However, the Society never dared to interfere with the private, political, or religious conduct of any man. The instance of Sir John Everard rather confirms, than contradicts this general practice. That able Lawyer had been a Judge, and resigned from religious scruples, yet on every other point James respected his character, and bore testimony to it. He was admitted on the re-union of Irish Barristers and Attornies. His vigour and firmness roused the vengeance of a Deputy, who was just able to influence judicial tools and pliant placemen to remove him from Chambers and Commons.

Professional

Professional rank remained untouched, and no man can doubt that party venom would move so far, if the act was considered consonant to Practice or Law; for the arrogance of a Viceroy, who had been a felon, and of his Cabinet, who were alternately tyrants or slaves, did not presume to consider his rank as a Barrister, affected thereby: had that been the case, with all their pretensions to Protestantism, they would adopt one principle of papal policy, and renew a privilege which may afford a plausible precedent for abolishing it upon a proper occasion.

At that period the practice of the English Inns of Court would be immediately resorted to, and the illegal usurpation possibly lead to an appeal from the error or corruption of Irish practice, to the wisdom and integrity of English Judges. A *Coke*, a *Bacon*, or an *Hobart*, could, without much research, rival the inferior emigrants from their country, and flatter national pride by shewing to their Sovereign, and all his subjects, the supremacy of legal learning in England. My best apology to the reader for any occasional remarks will be a full and faithful account of the Society's progress, equally in its state of innocent somnolence, as of serpentine activity.

In 1734, we find Lord George Sackville, *then a minor*, not only chosen a Member of the Irish Parliament, but elected a Bencher of the King's Inns. That distinguished man was educated, during his father's Viceroyalty, in the University of Dublin, and the preceding positions flowed from dignity of birth,

birth, or paternal station. However, if the dawning of youthful genius anticipated the lettered fullness of maturer life, neither Senate nor Society are degraded by this deviation from ordinary rule.

In 1745, we find Lord Chesterfield, his Secretary, and Aids-du-camp, admitted Members, and a new portion of state talent, gentlemanly manners, and juvenile courage, infused into its withered uniformity. In 1749, application was made to Parliament for an Act to settle the King's Inns, and such passed in 25th G. II. as a private one, whereby the King's Inns was vested in certain Officers of the Court, and their successors, for the purposes therein mentioned. Ten pounds each was advanced by several members to defray such expences; an aid rendered unnecessary by the parliamentary and self-created taxes of our day. In 1754, a gratuity is given to Mr. Belcher, the Solicitor of those acts, and in that order Chief Baron Bowes is recognised as Treasurer.

We also find, that the custom continued of enrolling the chief officers of the Four Courts Members or Benchers; for in Trinity Term, 1757, James, then commonly called Lord Viscount Limerick, having succeeded Lord Palmerston as Chief Remembrancer, was elected a Benchers, as his predecessor had been, though neither were bred to the legal profession. Same Term also, Barry Maxwell, afterwards Earl of Farnham, as Prothonotary of the Common Pleas, became a Benchers. It is true
this

this nobleman was called to the Bar, but no utter Barrister, however eminent for talent or integrity, was, ever since the separation of ranks in the Society, elected to such station.

Old O'Callaghan, Malone, and Fitzgibbon, never met that co-optation, though ministerial offices obtained it for their respective sons, and indeed for every man so circumstanced, even though he were a disgrace to the Bench, or a blemish to the Bar. On the 11th February, 1758, a Committee was appointed to report what answer should be given to the Surveyor General, pursuant to the order of Government of the 12th of August, 1757. A little previous to this time Lord Chancellor Jocelyn died, and was succeeded in office by Chief Baron Bowes. Thus, Lord Hardwicke, in addition to his personal and family fortune, was enabled to recommend to the Great Seal of Ireland, successively, two friends, with whom he had been bred together in a Special Pleader's office. The Court of Exchequer found in Willes a feeble and inadequate Chief Judge, who was but little aided by the classic taste of Mountney, or the lively wit of Dawson.

A singular political juncture supplied this solemn and extensive defect by the Herculean talent of Anthony Malone. This extraordinary man had so universally read, and accurately retained, the whole system of English Equity and Law, that its most intricate principles, or insignificant rules, were equally familiar to him. A natural and nervous eloquence

enforced each commentary on this profound assemblage with such dignity, fluency, and ease, that ordinary hearers felt surprise, when sentiments, classically delivered, and clearly understood, thus flowed from a legal code, ignorantly represented as destitute of lettered ornament or historic strength. Providence added to such professional perfection a figure peculiarly expressive of judicial dignity.

Whilst Malone acted as Chancellor of the Exchequer, his colleagues nearly enjoyed a judicial finecure, at least, in the equity line; and might be prepared, by his decisions, for subsequent able exertions, if in old age idleness or hebetude had not forbidden improvement. During the Presidency of this great man, the Government resembled the King's Inns Society: at that period, *neither owed a shilling*, though each may be subject to internal mismanagement or plunder. Malone is also remarkable for recommending *Ballow's Treatise on Equity*, then almost unknown, to professional perusal and protection; his piercing eye instantly appreciated its merit, as mellowing and methodising the principles and precedents which must permanently govern the system of our Equity Courts. *Justinian, Lyttleton, or Blackstone*, cannot be more useful to the Students of *Civil or Common Law*, than Ballow * is to the Practitioner

* The Reader will find in a life of Johnson, (I believe Hawkins's) an account of an intended duel between another gentleman and Mr. Ballow. It, however, did not take place.—One of the parties made a solemn vow, never to fight after dinner;

ticer in *that particular line*, wherein principles are fortified, and the judgment fixed without fatigue to the memory; but had this Irishman perused Mr. Fonblanque's Commentary, he would be equally profuse in praise of its *professional depth*, and *correct arrangement*.

Singleton then filled the office of Master of the Rolls; had passed through the profession with merited success, and continued such excellence of character in a judicial station: here was an opportunity of justifying Carter's removal, by assimilating the duty to English practice, and dispensing that blessing to Ireland; but no such salutary principle influenced public councils. Thus, when the Irish Master of the Rolls died, the nation felt the usual neglect of English Administration, and the arrogance of its deputed Government. That high office was given to a
known

ner; and the antagonist, by an equal singularity, had resolved not to run the risk of a wound upon an empty stomach. This insurmountable bar prevented an immediate interview—common sense reviewed the cause of offence, and possibly preserved to society the ingenious Ballow. It is matter of astonishment how his Treatise could pass so long without suitable celebrity—it would seem that literary gratitude did not distinguish the legal tribe—or that subordinate and lucrative practice smothered the sensibility of classic taste. There are two Editions of Ballow in the *King's Inns Library*, printed in the year 1737; they were the property of the late *Judge Robinson*, and that laborious Lawyer marked the *margin* of each, with most of the illustrative authorities then extant, from the Civil or English Books of Equity. The Author's surname is also added, for *Judge Robinson* had been a student of Lincoln's Inn, and called to the Irish Bar in 1737.

known absentee, and by a tenure for life, in defiance of an unrepealed statute, and without even the assumption of a dispensing power; yet in 34 Henry VIII. a *non-obstante* clause was inserted in Sir Thomas Cusack's patent for the same office.

Thus, Tudor seemed to bow to the Majesty of Irish law, according to his ideas of prerogative; for he acknowledged its perpetuity, whilst he eluded the operation. Certainly succeeding Sovereigns profited by that precedent, and indulged Court favourites in a similar manner. Were our Constitution unpurified by the glorious Revolution, I would defend its principles against judicial misinterpretation, or ministerial abuse, by that sound legal aphorism, *judicandum est legibus non exemplis*, and under that shield resist an existing practice of tyrannic usurpations. Yet, illegal patents for this office stained the reigns of two humane and upright Monarchs, *William III. and George II.*—for the former bottomed his government on an abolition of the dispensing power, and the latter made it the habit of a long and glorious life to preserve inviolate the laws of the land.

The delinquent Chancellors, who sealed these grants, had not even the excuse of a Royal Mandate (could it be any) to palliate the misdeeds; corrupt ministerial influence must be, therefore, relied upon for concealment or impunity. The guilt of Sir Charles Porter was great; but if official perjury can admit of aggravation, Bowes stands still more without example or excuse; for the two intervening

Patents

Patents to Carter and Singleton were during pleasure, and in that important instance, correspondent with Statute Law.

A little subsequent to this period, his late Majesty died, during whose reign, as well as that of his father, Ireland enjoyed an internal tranquillity, and progressive prosperity, unequalled for six preceding centuries. This Prince proved himself a worthy successor to George I. and his conduct confirmed an useful character for future Kings.—He was warm in manner, but honest in mind—steady to attachments, but placable in resentments.—His zeal for justice was guided by public spirit, and tempered with humanity.—As a sincere Protestant, he abhorred persecution; and as a wise Statesman, blunted the venom of penal laws. These qualities were felt and revered in his life-time, by enlightened foreigners, and grateful subjects. God seemed also to recognize such transcendent worth, by the blessing of a long reign, and arresting his existence in the fullness of political and military glory.

If the Reader conceives my impartiality marked with too much freedom in the preceding Royal review, let him remember, that I write under the reign of a King, who resembles a great *Roman Emperor* in the following respect: *Liceret illis de malis imperatoribus quotidie vindicari, et futuros sub exemplo præmonere, nullum locum, nullum esse tempus, quo funestorum principum manes a posterorum execrationibus conquiescant.* Was the spirit of legal or historical compilation

pilation to bend under an opposite apprehension, infamy must mark the Author, and this just satyr affect the reigning Prince: *Cum de malo principe posterit tacent, manifestum est eadem facere presentem.*

The sun of English freedom extended its shadow to this afflicted land; we were not blessed with the substance. Our Common Law rights were acknowledged—they rested however in Law books, unpurified from the political vices which led to the Revolution. No added penalties enforced the prompt and vigorous execution of that great remedial Writ, the *Habeas Corpus*, which, like a messenger from God, pierces the dungeon's solitary gloom, and by enlargement or trial, cleanses it from every crime. It is true, we had it at Common Law, but subject to all the delays of successive returns, which were upheld even in England to the reign of Charles II. whilst corrupt and unfeeling Judges in each kingdom adopted a different rule in the Writ of Habeas Corpus; thus, giving a speedy release to prisoners of the brute creation, which was craftily delayed in the case of their fellow-subjects.

Irish Judges were also removable at the will of the Crown. Men of reflection saw, with pain, that whilst similar persons in England were secured, even in case of a royal demise, no improvement was extended to Ireland. I do not at present move deeper in the discussion than what properly refers to an historical progress of the King's Inns and its Members.

Legal

Legal variations have, however, a natural tendency to explain Irish situation and character, and above all, the views or designs of English Ministers in their government of this country. As the change of station from *Attorney to Barrister* has been so frequent in our time, *both in England and Ireland*, it must be proper to mark its rise in this kingdom. I can ascertain, by an attentive perusal of King's Inns entries, that it commenced in the reign of George II. and in the persons of two Limerick men, *Mathew M'Namara* and *Thomas Maunsell*. These Attornies shook off that profession, and became Barristers. The former was a man of great talents, and most amiable manners, but long precluded, by ill health, from attending the Four-Courts. The latter added to public and popular pursuit, the secondary line of Barristerial profit, *a seat in Parliament*, whereby he obtained a silk gown, moved on Circuit as an associate Judge, and finally died in possession of a new created legal office.* Similar changes were more frequent in subsequent time, and ended in the promotion of many such persons to high and lucrative legal stations. Thus, at the time of obtaining the new Charter

* I heard the late Lord Clonmell boast, that this new place was carved out for him. Columbus could not be more vain of having, by judgment and enterprise, doubled the terrestrial globe—Harvey, of protecting human existence by a discovery of the circulation of the blood—or Newton, of balancing Nature upon a scale of original genius, and experimental philosophy, than this *modest, unassuming Lawyer* seemed to enjoy, by fixing primitive courtly rank in a station which was directed to personal servitude, and created by parliamentary corruption.

Charter in 1792, three Judges and one Serjeant had been Attornies. We can also judge of its extent and success in a neighbouring kingdom, by *Lord Redesdale's original situation*, who was removed to this country, after having held higher offices in England than any imported legal placeman ever enjoyed.

Almost immediately after his Majesty's accession, but with a sufficient interval to borrow advice from the English Cabinet, on the 27th of November, 1760, the following Order appears: "That a Committee report what answer should be given to Mr. John Morison, Crown Solicitor, and to prepare a draft of a proper lease to his Majesty." This consecrates the Society's right to the ground now occupied by the public offices and Four-courts, and entitles the Body to full compensation for that property from the period when it was converted to those great national uses.

Could I, for a moment, forget my situation or duty as a subject, and consider his Majesty as a private man, it must be from motives of reverence and esteem for the continual and unfulfilled personal virtues which have marked his progress through life. Let me then presume, that he would spurn from his presence and councils any evil adviser, who may suggest distance of time as a reason to deny justice or right. The site of the King's Inns has been, however, conceded to his Royal political character, and disposed of with correspondent integrity. From
the

the public purse, therefore, compensation should arise, and as the joint eye of Government and Parliament will superintend its expenditure, there can be no doubt of correctness and frugality in the completion of any approved plan.

The Reader must be curious to know what honors or emoluments accompanied or followed Malone's unrivalled fame, especially as titles and collateral places, or reversions, have attached in modern times to doubtful talents and tainted character. That great man was dismissed from the exercise of judicial duty for parliamentary integrity. The rapacious Secretary was for a moment awed, and did not immediately invest himself with the office. But a sufficient insult was offered to this degraded country by the intervening successor: he was a superannuated Judge, who had nothing legal about him but the name. The Exchequer Bench was not cursed with his attendance; its legal management was left to the guidance of another Englishman of equal imbecility, but whom Truth records to be destitute of that judicial presumption, which unmerited elevation, and confirmed ignorance, so generally assumes. The ministerial scenery was, however, exhibited at the close of the parliamentary campaign; the new Chancellor pensioned, and the Secretary's retreat rewarded by the judicial appointment, rendered as permanent as an illegal patent for life could make it.

Thus, the close of one reign, and the dawn of another, was tarnished by ministerial rapine extended
to

to the Four Courts, and which dared to divert two great Common Law Officers from their original institution and end. Legal history in England furnishes no similar precedent, but deviations from Justice or Law are familiar to Irish readers, and will consecrate juridical mischief, except the Constitution and Country be defended by legal maxims and appropriate comments.

A Deputy under Queen Elisabeth complains, that one man filled the several offices of Master of the Rolls, Chancellor of the Exchequer, and Chief Baron ; he does not, however, add, whether a zeal for public justice, or an intended provision for two necessitous minions, directed his pen. We are also told, that the other Judges were feeble. The reader may adopt his conclusion as to the fact being warranted by truth, or merely a screen for the increase of patronage.—The conclusion must surprise such persons as are satisfied with cotemporary, legal, or historic compilations. We are gravely told, that for the preceding reasons the Deputy was pestered with causes, from which I will answer for it there were few Writs of Error or Appeal. No *miniver* or *fur* conveyed such a semblance of recondite sapience and judicial integrity to the anxious suitor as the official fringe of Castle Chamber discipline and martial law.

In 1761, Sir Richard Aston was appointed Chief Justice of the Common Pleas, which had been (it seems) declined by the Vinerian Professor. About
this

this time a Royal Professorship of Common, or Feudal Law, was established by his Majesty in the University of Dublin. I mention the circumstance to shew our Sovereign's unwearied and paternal care for the inhabitants of this kingdom. Nor was the foundation lessened by its new Professor: That learned seminary, ever fertile in honest and accomplished Fellows, elected to the important duty Francis Stoughton Sullivan. As the general line was pre-occupied by the labours of Blackstone, he varied his efforts, and explained the feudal system of England with classic taste and legal judgment. An untimely death disabled Government from the credit of fixing him in a similar situation with the Oxford Commentator, and frustrated an honest design of giving to the world a general history of this insulted island and its slandered inhabitants.

The labours of a Livy or a Tacitus would imperfectly pourtray Roman greatness, if legal study had not formed their growing talents. As personal conduct must always, and political principles occasionally, be referred for excuse or applause to an aptitude with the legal system, the reviewer of national scenes should be an adept in such science, or the projected work must add to the possible influence of party and self-interest, effusions of inaccuracy and ignorance.

Sir Richard did not retire with composure from this country. Grand Juries and private Magistrates had frequent disputes with him on different circuits.

Justice

Justice however, warrants me to affirm, *according to authentic report*, that in all such instances the Judge was right, and though his manner may be rude and disgusting, that the preceding attacks appear to flow from *party presumption, legal ignorance, or provincial corruption*. Parliament was not resorted to, yet Sir Richard's situation became disagreeable; he therefore solicited a removal to Westminster, which was effected in the year 1765. There indeed he practiced a conduct, and was detected in a transaction almost equally profligate.

On a Motion relative to a Libel in the Court of King's Bench, a Barrister zealously, but imprudently, made an affidavit, that he *believed it to be no libel*. *This, being matter of opinion*, passed unnoticed and uncensured by Mansfield or his other brethren; but Aston's forward and corrupt malignity emboldened him to declare, "that he would not believe such a man's oath." The ruffian was protected from *personal resentment, action, or indictment*, by official situation; however, that shield covered him with added infamy. The Barrister, though destitute of the preceding privileges, watched the Judge's secret movements, and successfully detected Aston in a sale of *lottery tickets*, presumed to be received as the wages of judicial prostitution in the memorable trials about *Wilkes and Junius*. This internal evidence of guilt was proclaimed by a manly pamphlet, and believed by every reader. Prudence awed the *legal, but valorous knight*, into silence, and justly exhibits him to posterity as an
official

official tyrant, and corrupt Judge. Thus, at the distance of a century, two Englishmen of the same name stain the King's Inns Roll, and merit the contempt or detestation of the legal tribe in both kingdoms.

“ On the 29th of June, 1762, a Committee of the Judges recommend to reprint, in the intended new Edition, all public acts which have been printed, and to attend with becoming care the corrections of the prefs.” These obvious principles exceed not the ordinary care of Printers, but it is a matter of serious surprise, that the research and advice did not equal the important subject, which also required particular care in Ireland; for in Sydney's Edition there was a studied selection, and not an impartial or general publication. The succeeding Editor, Sir Richard Bolton, avows that fact, and adopts an imitation. But even monkish annals and party chronicles record Statutes not yet authenticated by State authority, of which the Parliament Rolls are destroyed, and whose copies only exist in the sister kingdom. With evidence thus solemn, singular, and affecting, judicial indolence could not be roused to becoming research. The temple of Irish legislation still continues prophaned by false or imperfect records, and its degraded page proclaims the national scandal.

To the just grief with which a patient perusal of Irish History must affect every native, added melancholy envelopes the legal Student. In the English

lish Code he discovers the theoretic perfection of human society, and ascertains by its practice the promised blessing; whilst the abuse or misinterpretation of Irish Law has engendered in this hapless isle *religious zeale hostile to morality, political power alien to patriotism, and judicial decisions anomalous to justice or humanity.*

This boundless exercise of vice has even tended to circumscribe human genius, and fetter its active talents. Senates and legal councils have been thereby habituated to settled subservience or humble imitation, whilst the great principles of national policy have been held objects beyond their authority or care. We find on the 27th of November, 1762, "the old Committee enlarged to review the proceeding relative to the building public offices, and what is proper to be done in them." On the third of July, 1770, "we find that old Committee employed touching the building a Repository for the public Records on the site of the King's Inns." On the twenty-third of June, 1771, that Body reports to the Lord Lieutenant the opinion of this Society, "That such Repository is much wanted, and offer the ground of the King's Inns as an appropriate situation for the same."

The unfading scenery of Shakespear was feigned, formed, and finished, in a shorter period than the plan of these Buildings could be created or confirmed, so superior is the vivid genius of an individual to the protracted dulness of a numerous body
when

when unallured by interest or ambition. Marquis Townshend retired from the Government of Ireland in 1772. The Society in January 1773, authorised their Treasurer to return thanks to the new Lord Lieutenant for his early attention to erecting offices for the reception of public records in this kingdom, and to assure his Excellency of the hearty concurrence of this Society in an object of such great national consequence, *so long wanted, and so universally desired*. In this manner Irish improvements take place; irresolution and tardiness mark the outset, party jobs or personal interest attend the progress, and improper variations, or a defective plan, crowns the conclusion. The character of the country was, in the preceding instance, involved with its nearest and most permanent rights.

For all governments, ancient or modern, apply a suitable attention, in proportion to the progress of civilisation, to public muniments and records. The ruinous political system of Ireland subjected it to periodical convulsions, and prevented an improvement correspondent with the sister isle. That defect did not escape the piercing eye of Sydney and Strafford, nor even the romantic genius of ill-fated Essex. These illustrious Viceroys strongly recommended the measure, and were only prevented by removal or misfortune from effectuating that great design. Even Cromwellian usurpers respected the principle, and avowed a similar intent. The reigns of Charles II. and James II. were too much occupied in temporary plunder, or prospective tyranny, for

Y

such

such an enlarged and disinterested view. It is, however, surprising that the revolution did not enforce more constitutional principles and wiser maxims of policy. After a lapse of forty years Parliament deigned to notice the situation which personal and national evidences lay.

A Committee was appointed by the House of Lords, whose report warranted an alarm, which in Britain would deeply affect all its inhabitants, but neither novelty nor importance made a proper impression upon the Irish nation, or either branch of its legislature. Yet in this country how small a portion of prescriptive property or rights can be claimed; its landed settlement has been also equally shook by the prerogative of the Crown, as by repeated civil wars. A considerable portion of personal acquisition is considered a legal lien upon land from the restriction of commercial pursuits by a besotted system of legislation, the blended offspring of internal corruption and external tyranny.

Did the preceding powerful circumstances give promptitude and effect to this necessary business? Half a century intervened before any such were built, and even some remain still in an unfinished state. No satisfactory account has been given whether these buildings are as well calculated to preserve as to contain records. The situation is extremely low, close to the river, and certainly subject to gradual injury from high floods, if not to the immediate impression. However, other repositories, not directly connected

connected with the Four Courts, have been neglected, both in the capital and through the kingdom. The Prerogative Office, for instance, is at this moment kept in an old wainscotted house, belonging to the late Primate Robinson. *The Register* is not answerable for this danger; *it is even to him an added expence*; but the nation and empire are deeply interested in the awful event of an accidental fire; a *cinder wench* may even unknowingly consume materials of incalculable value, and exceed in melancholy remembrance the vicious vanity of a Delphic incendiary.

In what manner could Courts of Justice or Parliament remedy and adjust the several rights of heirs at law, and devisees? In such a case no integrity or talent could enable a Judge or Senator to make an unalterable decision with a mind perfectly at ease. Local testamentary jurisdictions, and county Crown offices are liable to similar mischief. Thus, the rights of property or precedents of public justice are rendered equally insecure, and royal hereditary revenue, with popular protection, buried in a common grave. Has any parliamentary care been taken of those important objects? Yet in what manner could loyalty or public spirit be more usefully employed?

National muniments are to an honest Government, what family evidences appear to dignified individuals. The preservation of each sustains personal honor, and public pride; allegiance and protection are thereby rendered more respectable and reci-

procal, and the union of both countries useful and indissoluble. A concise and obvious remedy offers itself for this desirable object. Let buildings be planned impervious to fire, and calculated with all possible care for the lasting preservation of records. Meantime such Irish documents as relate to Government and private property, but which are kept in British archives, should be inspected by a competent person or persons, and correct copies or abstracts brought to this country.

British wisdom lately adopted, under a less urgent necessity, a laborious and extensive scheme, directed to this *imperial benefit*. Irish Government should follow, where it cannot originate a patriot plan, and balance other doubtful deeds by active zeal in support of a measure unconnected with party, and certain of undisputed applause. An attentive perusal of the elaborate English compilation animated me to address Mr. *Abbot*, then *Minister of this country*, upon the subject. His approbation, and that of every leading senator or judicial character, (with whom I conversed) may satisfy personal feelings, but an effort dictated by disinterested public duty, can only be satisfied in complete success.

I therefore form an humble hope that Irish senators will assume becoming credit by calling for a Committee, whose labours shall be directed to a similar end. Great Britain will thus see, that an Hibernian claim to fixed freedom and equal law is bottomed on deep, solid, and ancient foundations,
and

and not more upheld by natural reason, than statutable strength, and immemorial records.*

The

* It is my fixed opinion, that the internal convulsions of Ireland, and its degraded external position, may be ascribed to a concealment, mutilation, or destruction of legal and constitutional evidences. Such also was the sentiment of the late *Burton Conyngham*, who wished to have the Records of Ireland explored, authenticated, and explained, *after the manner of Rymer*, and at the *public expence*. Government even countenanced the measure, whilst it was directed to provide for an Englishman *not bred to the Law*, yet possibly a great master of *ancient and modern learning*, but radically ignorant of the *Irish language, as a dead or living tongue*, and therefore a stranger to the minute habits or prejudices of the Irish name and nation. That gentleman was fixed in a more easy and affluent situation: then my intercourse with Mr. Conyngham commenced, but his influence was put down by the following accident, and our joint efforts blasted during the official existence of Earls *Clonmell* and *Clare*. On hearing my name, the letters of *William Russell* on *Reilly's case* were recollected. (*These are the words of Conyngham.*)—The noblemen then jointly said, that I would strive to fix the Irish Constitution on as firm a foundation (nor were they mistaken) as the English. The Union has put an end to the successful effect of such silly, malignant jargon, and the circumstance is merely mentioned to shew my early and continued habit. But had Mr. Conyngham seen the labours of a British Parliament, it would encrease his chagrin at the somnolence of Irish Senators. Many tracts lie by me; I will, however, publish one relative to the Irish Parliament; the printed Journals rise no higher than James I. but *Suffex's* and *Perrott's* have been extracted from the Rolls; these shall be given with some Remembrances, which may illustrate national or family anecdotes, and explain the origin or effect of several legal abuses. This extent of observation is promised with an account

The laborious Prynne authenticates our Constitution even by partial efforts to circumscribe or subvert it. Where so much was extracted by improper zeal, what may not be effected by fair and enlightened research? Is not this the auspicious moment, when similar laws, and national rights equally acknowledged, form the governing principle of both countries? Did not the father of Lord Grenville add a new wreath to his ministerial fame, by ordering the state documents in the English *paper office* to be arranged and preserved?

What honors ought not then await that *Minister or Irish Viceroy* who would adopt and encourage a similar plan? Instead of incumbering my page with quotation, or darkening a point, clear in itself, by lengthened and laborious argument, let the reader peruse Mr. Collier's *Essay on the Law of Patents*; the Index to the *National Reports*; and the *Calendar of ancient Charters*. If modern ingenuity fails to awake a proper sense of patriotism, antiquity presents the enlightened pages of *Bacon, Coke, and Doddridge*; and foreign countries, a *Du Cange, Montesquieu, Guianone, and Montfaucon*. Should this mass of concurring evidence not rouse to a support of the proposed benefit, one appeal still remains: let Irish Senators
review

count of discontinued boroughs before and at the Union, and to what persons in the latter case compensation was given. Such venerable memorials ought not to melt into oblivion, but be held up to the nation in a full and diversified point of view.

view our repositories for national and personal evidences, or reflect how many Irish documents ought to be copied from English archives, and transferred hither; they will thus clearly see, what an advantage must result from improving the one, and securing the other. This is no digressive matter, but a proper engraftment upon a *legal compilation*; for as Liberty cannot subsist without Law, so Law cannot be permanent, or completely secure personal or landed property, without the aid and illustration of public Records.

On the 3d of June, 1763, "The King's Inns Committee are ordered to report what buildings are necessary for the use of this Society, and the expence thereof, and report their opinion thereon to the Board." It does not appear whether the Committee ever performed this duty. Much useless expence has, however, been incurred by a departure from the preceding plan, and what is still more grievous, a situation has been selected so remote from the courts and public offices, as not to answer the purposes of public policy or professional convenience, even though the ground were their original estate, or the site (as in ancient time) bestowed by a public spirited individual. Bound as I am, to convey censure or approbation on measures and persons with firmness and impartiality, a sufficient excuse offers for the Committee, for not making an immediate report. They could not foresee how much of the ground would be required for the Four Courts;

Courts ; how far from the river they would be built ; or the extent of area ; still less the variety or scale upon which public offices must be erected.

Shortly subsequent thereto, a new Chief Justice for the Common Pleas was sent from England, who, by authentic report, was as great an original as ever issued from a legal cell. Heaven help poor Ireland if the Great Seal were committed to him, or its Parliament and Peerage guided by such a character ! The resources of trade and manufacture, financial, geographic, historic, naval, and military situation were to him alike unknown. He was, however, a tolerably skilful Common Lawyer, and a blunt, honest, undefigning man—but it would be a libel upon truth to call him a statesman. The reader will excuse two anecdotes illustrative of that character : Having taken a house, and dined with most of his brethren, he was much surprised at his admission to Chambers, and instantly told the attending Members, that as he was a bachelor, his house should be immediately disposed of, for the Chambers were even more agreeable to him ; nor was his disappointment inconsiderable, when convinced that such accommodation existed only by King's Inns intendment and Irish fiction of Law.

On the death of Lord Bowes the Great Seal was committed to persons who were not professional men ; Court duty was therefore performed alternately by the Judges. In his turn, having completely disposed of all interlocutories, and motions which

which were offered, he gravely rose, and hoped that the auditory were pleased with his mode of doing business; adding, If the choice should fall upon me, don't you think, gentlemen, that I will make a good Chancellor? The novelty of this affecting address provoked a smile from veterans, but juniors received it with a tempest of applause, whilst the Author, unconscious of its singularity, retired like a Roman actor, having proclaimed, "*vos plaudite, inquam.*"

He was the last Englishman who filled the station of a Common Law Judge in this country, (save the late Judge Hewitt) and retired in 1770; whereas his predecessor was removed into the station of a puisne Judge in the English Court of King's Bench without any pension. Irish salaries would, however, render such an exchange in our time a pecuniary loss; though similar removals had been the constant usage between both countries from the reign of James I. The next event connected with the King's Inns was the death of its aged Treasurer, the Lord Chancellor, in July, 1767. The Great Seal was granted in Commission, and so held until the arrival of his successor in January, 1768.

On the 19th of February, 1768, the Benchers to whom it was referred, report, "That Lord Bowes, as Treasurer, received from Easter Term, 1745, to Michaelmas Term, 1765, the sum of 1283l. 9s. 2d.; and that his disbursements for the same period amounted to the sum of 674l. 11s. 4d. leaving
ing

ing a balance against his Lordship's representatives of 608l. 17s. 10d." They also find, that Mr. John Robinfon, who was appointed Steward in 1752, regularly paid his balances to Michaelmas Term, 1765, inclusive, and that *eighty pounds only remained in his hands* for the year 1766, which he was ready to pay over to the new Treasurer. The preceding balances are acknowledged by Lord Lifford to have been paid upon the 25th of April, 1768. What will the reader conceive of the accuracy or integrity of the preceding Committee, when he hears of an authentic extract in my possession, copied an original rental in the hand writing of that honest and unassuming Steward, or Under Treasurer?

The annual rents of the Society thereby appear to be 420l. 9s. 6d. by which undoubted evidence his Lordship received in twenty-five years, the period of his Treasurership, the sum of 9251l. 17s. 6d. for the charge, *which made up his debit*, flowed merely from an admission to the rank of Benchers, Barristers, or Attornies. The preceding rent formed in earlier times a fund for upholding the public buildings, or was expended in aid of the Pensions or cast Commons, towards the payment of servants' wages, Commons in the hall, and the other incidental household expences. Neither Commons nor Servants existed from 1742; the buildings were also mouldering into decay, nor was any charge for them allowed in account.

The

The Treasurership by the preceding masterly manœuvre became a sinecure of moderate profit, and was kept vacant until the arrival of the new Chancellor. The Bench had no pretence to divide the amount among themselves, and were destitute of public spirit to enforce its application in favour of the profession. The dead, *though despised or forgotten*, stood protected from flattery to the living, and a Common Law Serjeant added to the Keepership of his Majesty's Irish Conscience, the *ancient and lucrative abbacy of the King's Inns*.

The reader will probably expect some observations on the Chancellor's personal, political, and judicial conduct, which shall be executed *procul irā aut odio*, and with a full sense that *nos & nostra debemur morti*. These remembrances may also have their use; for though the legal profession is so generally bound by precedent as to fetter, save in a few enlightened individuals, genius and political judgment, I know no body of men who attain so strong and imitative an hue of its leading members. Lord Bowes came to this country in the train of *Chancellor West*. That gentleman having died the year after his arrival, Bowes had but two modes of attaining an independent station, each, however, sufficient to ensure him success, were he destitute (which was not the case) of legal talents. He was an Englishman, and might return thither, where he had a powerful patron in Sir Philip Yorke, then Attorney General of that kingdom, or under that banner solicit Irish promotion.

We

We therefore find him called to our Bar in Michaelmas Term, 1725; and succeeding Jocelyn, as third Serjeant, in Trinity Term, 1727. In a short time he was returned to Parliament, without any intercourse with constituents, or injury to his purse; Government having given to the borough-monger official compensation. Jocelyn preceded him in all subsequent promotions, until his elevation to the Bench. As Chancellor Bowes also succeeded Jocelyn, his ability, as a Lawyer, was very respectable, and his powers of eloquence by no means contemptible. We hear much of both from the pens of party-men, who are, however, silent on Malone's transcendent merit. If this partiality contributed to Bowes's fortune, it also confirmed his personal vice.

The minion of party became its judicial slave, and suitors exulted or trembled, as their connexions, policy and religion moved in unison with his prejudices or interested views. The minor satellites round his person, powerfully profited by this just and general suspicion; in authenticating such vices, they circulated a correspondent corruption of collateral official influence, and degraded their master's judicial character to improve private fortune. Irish History and uncontradicted precedent, gave to the most untutored inhabitant full information on those important heads; nor can the *infamy of Bowes* receive greater strength, than that most of his predecessors, and his immediate successor, escaped, with a full knowledge of particular failings, a similar stigma. Historic truth reluctantly attests, that he imbibed every

every practical or political vice of this country, and added to the black catalogue crimes of a foreign and deeper dye.

His vanity, partiality and pride, would operate as a malignant national curse, if nature had blessed him with intrepidity of temper, correspondent to the venom of his disposition. He rivalled *Jefferyes* in a brutal precipitancy of judicial censure, and resembled that ruffian in an hasty and inconsistent contradiction to professed tyranny, when it met dignified correction and manly controul. In short, this profligate and unprincipled Judge added ridicule to the settled meanness of his conduct by affecting the character of a statesman. Contemporaries excused the vanity, as neither Bowes nor any preceding Irish Chancellor, was indulged with the exercise of such power. Two natives sunk, in daring to uphold the flagitious attempt; and a stranger could not, under the forms of our Government, meet the support which a *French Chancellor* of similar character received from a despotic government, when he wrote a treatise expressly *in favour of assassination, and countenanced a minion* in defending the legal doctrine of torture.

I have attempted with humble and patient care to present to the reader the state and progress of the legal profession in Ireland; it has appeared respectable, even when the light of learning was sunk through Europe, and the Law itself obscured by surrounding barbarism. In succeeding periods particular

ticular practicers powerfully imbibed the reviving improvements of society, and added its diversified polish to professional talent. The best pleaders of Greece or Rome would meet rivals on Irish ground, and surrounding cotemporaries, according to their respective tempers, generously or reluctantly attested the important fact.

As a body, they are by no means entitled to similar praise. I have painfully shewn, that the conduct of the Society was generally *capricious*, often *illegal*, and sometimes *corrupt*. A self-interested and fervile connexion with Government tainted its general proceedings; and where the Irish Cabinet did not interfere, habit directed and confirmed legal rulers in arbitrary practices. Had not this been the case, some manly imitation of English order, frugality, and integrity, would be adopted. Nor need the King's Inns look further, though France, Germany, and Scotland, presented respectable plans. An imperfect civil Constitution formed no conclusive bar to such improvement, for the preceding kingdoms laboured under that awful defect; yet their legal establishments have been extended, protected, and perpetuated by the purest public spirit. The fixed despotism of France yielded to the national benefit. Even the irregular government which harraressed Scotland in the sixteenth century did not preclude that enlightened and patriotic nation from a steady, temperate, and dignified mode of internal management, or lessen a correspondent zeal in favour of general and professional learning.

Thus,

Thus, the body of Scots advocates annually elect a Dean, who presides in all their meetings. Frugality, upheld by correct subscription or generous donations, supplies the faculty with a common stock, which is faithfully applied to the *encrease of their library*, and the maintenance of *decayed members*, or such of their *widows and children* as stand in need of education and support. Advocates are even annually named at their general meeting to serve the poor, who are permitted to the benefit of a *Gratis Warrant* by the Lords of Session; such suitors are also admitted upon general circumstances. The adoption of this practice would form a dignified improvement in English or Irish Law, which ought also to be purged from its greatest blemish, the threat of ignominious punishment held out to these unfortunate persons.

Though their library was consumed by fire, a *Phœnix* has arisen from its ashes, in which almost every useful or entertaining book may be found, with various documents which can *facilitate professional research*, or explain and *authenticate national records*. The body at large also shews itself worthy of such lettered aid by an acknowledged excellence of classic taste and legal learning. The purity of official appointment has been fully exhibited to Europe in its successive Librarians, a *Ruddiman*, and an *Hume*.

The Lords of Sessions are immediately unconnected with the interior management of faculty concerns,

cerns, but with a resemblance to English Judges, as to their Inns of Court, exercise in cases of complaint, a corrective visitorial controul. The Clerks of the Signet are also admitted after a trial of sufficiency before Commissioners; but in their approach to the profession, or practice therein, this body is wisely considered independent, or freed from any government of the Advocates, and so far imitate English Attornies. The reader will calmly compare the wisdom or public spirit of Irish innovations in ancient and modern times by the preceding concise statement of English establishments, and foreign institutions.

He has already seen the craft of peaceful councils, equally destructive with the rude rage of outlawed rebels or internal foes: the bounty of a generous benefactor neglected or betrayed, and the grant of a great Prince diverted from public purposes into private property. Meantime arbitrary taxation supplied a petty and harrassing income, which answered no use to those on whom it was levied. No wonder that it was felt, not from its intrinsic pressure, but known misapplication. In the struggles between the Society and a private family, the annual income is alledged to be fifteen hundred pounds a year, during the reigns of the Stuarts. If managed with suitable care, the reader can appreciate its possible improvement by the present value of the adjacent precinct of Mary's Abbey.

Waving

Waving further notice on this head, did the Society even release to the Trustees of Sir Patrick Dunn, *for charitable purposes*, the house in which he lived, being part of *their estate*, and so warmly recommended in the well known will of *that illustrious Scotsman*? At the same time, with what ease and indifference were the families and minions of temporary rulers invited to, and protected in, the dishonest division? We have seen one *Chief Justice* bending to the grave, and laden with ill-gotten opulence; add thereto the fee simple and personal property of an useful, but impoverished Society. Was the family of this hoary criminal charmed or shamed into restitution? No such thing. However, his grandson, of a different profession, is admitted as an honorary Member, or Benchman.

Whilst the Society was in the preceding manner dissolved, or in abeyance, meetings were confined to the admission of Barristers, enrollment of Attornies therein, or other incidental matters relative to the remaining site of the King's Inns. On this point truth obliges me to declare, that no account remains in what manner any part of its chattles, during the meetings, or on the subversion in 1742, were disposed of: yet some of its earliest and most respectable Members, Sir *Arthur Chichester*, the *Earl of Cork*, *Bishop Montgomery*, *Sir Thomas Ashe*, *Primate Boyle*, and others, bestowed different articles of plate. Nor is there even any evidence of an unsuccessful enquiry.

This neglect is accounted for by the constant succession of leading Members as *Treasurers*. Such persons, when capable of so base a fraud, must be sufficiently powerful and artful to conceal it. Thus, there existed example within the Society to justify and enforce order, œconomy, and integrity, on any revival, of which, however, there did not appear the smallest likelihood during the Treasurership of Lord Chancellor Bowes. Yet Irish History cannot produce an equal period of time, when public prosperity and private happiness moved more steadily hand in hand, or Law was practiced with more judgment, talent, and integrity. The King's Inns administration of that Nobleman was declared by an ignorant or servile Committee, personally honest, and perfectly correct. His misconduct, however, evinces the weakness or corruption which results from altering an ancient and established system.

An annual election of Treasurer enforced a regular statement of accounts. The appointment of a Deputy, under similar restrictions and responsibility, secured a faithful execution of duty. It was also highly proper that the latter officer should be a Barrister, or Attorney, as professional situation enabled him to execute the trust with more dignity, ease, and effect, whilst it formed an additional pledge to the Society for a faithful performance.

Such annual election of officers was not only the ancient rule, *until* 1633, but has this irresistible recommendation, that during its continuance, no *fraud*
was

was practised, no *plunder suspected*, nor *personal credit* falsely established on *official foundation*; grievances which necessarily arose from the opposite practice, and finally became ancillary to extensive mischief. The preceding principles, pregnant with general use, should be peculiarly attended to in a legal establishment, or voluntary association. Experience and habit may improve human capacity for other situations, but little preparatory study is requisite to arrange Society accounts, which could be settled in two days after every Term. Had the mysterious screen of *jobbing* been removed, all the preceding matters could be confirmed or unravelled with integrity and ease. The attention of King's Inns Accountants ought to be confined to accuracy and plain dealing, and official views be bounded by a certain and established removal.

As a necessary and most useful improvement, a leading judicial character, *much less the first man in the profession*, should not be allowed to fill that office, it became an injury by probable *non-attendance*, or a *source of firm and unbecoming patronage*. Mankind are too prone to sycophancy and servile complaisance to resist or counteract persons in high station whenever they deviate from official correctness. An history of the legal tribe justifies no departure from this unerring rule, which has therefore been adopted in most legal, clerical, and collegiate establishments through Great Britain, or on the Continent. At whatever time a different system has been adopted in Ireland, I will thus far vindicate the national cha-

rafter as to affirm, that it did not arife from want of judgment, but a difpofition to difhonefty.

The legal body upheld a collegiate connexion from the reign of James I. until the fufpenfion in 1742, without any mention of a repository for manufcripts or books. I have fuccefsfully traced the transfer of landed eftate, and embezzlement of perfonal property, to leading members in a judicial or minifterial line; which detection, however unequal to effectuate redrefs againft the property of fuch mifcreants, or their defcendants, muft operate at leaft for an equal period as an antidote againft fimilar plunder.

Public fufpicion, properly roused, cannot be eafily allayed;—interior defects will not be fcreened by myfterious management, nor rank join to an *impunity from punifhment* an *exemption from difgrace*. The honeft pride of patriotifm muft feel humbled at this awful exhibition, but the national voice alone can make public intereft triumph over private defign, if it difpenfes perfonal contempt to hardened jobbers, and a proportioned refpect to men of honor who may condemn and detect fyftematic fraud or professional plunder.

We have already feen, that neither the feats of juvenile education in London, nor the example of Scots neighbours, could animate the degraded Governors of our King's Inns to found a library; rival factions were too vain or selfish to attract the reverence of pofterity by an enlightened eftablifhment.

They

They needed not, however, to pass the circuit of the Irish capital, without observing, in the other learned professions, an incentive to proper conduct, and the encouragement of a similar plan. An illustrious English ecclesiastic founded a respectable library, and marked his gratitude to the country which sustained him, by inscribing it to its *favourite Saint*. An enlightened Scots physician, *even a tenant of the King's Inns*, devoted an ample portion of his property to the improvement and perpetuity of professional learning, whilst his valuable collection of books was dedicated to the same honorable purpose. Unseduced by such examples, the King's Inns Proprietors seemed to consider ignorance as appropriated to a monkish inheritance, and that civil tyranny or corruption ought to succeed superstitious hypocrisy and presumption.

“ A second deluge learning thus o’erran,

“ And Judges finish’d what the Monks began.”

Particular Members, and the Society, resembled the Roman Empire in its extreme period of decline. The former were rich, and even respectable, whilst the latter were sunk into insignificance and distress. In like manner the King's Inns sprung from poverty, swelled into opulence, and re-assumed its original station by internal treachery. The reader probably will feel impatient to peruse the reviving system, purified, as it ought to be, from the *ignorance or corruption of earlier days*. If the preceding review exhibits any traits of research or patriotism, stronger
ties

ties enforce the observance of such duties to the completion of this Work. Nor can I be misled by the opinions of third persons, the latter period falling within collegiate or professional observation. My judgment also has not been warped by active interference with any of the ensuing scenes.

Regard to personal honor, and love for Ireland or its legal establishments, form no trifling pledge, that I will not, from mean or interested views, hastily stain the one, or abandon the other, but rather hold in remembrance, as a model for steady imitation, the proud sentiment of a favourite Author, who wrote, spoke, fought, and finally bled, in defence of Liberty and Law. *Nec magis vituperandus est proditor patriæ, quam communis libertatis aut salutis desertor, propter suam utilitatem aut salutem.*

As it is my determination to complete the period to 1767, the reader shall be presented with the different Officers of the Society from its revival in the time of James I. *Treasurers, Under Treasurers, and Pensioners* were regularly elected until the year 1628, and the reader will see, by the *annexed list*, that they were Members of the Society, and, except one criminal, (*the Under Treasurer, John Veldon*) all men respectable in rank and character. From the year 1628, the Steward assumed a new station, and was also *Under Treasurer*; the receipt of *rents, termly pensions, and cast commons* was consigned to him. That Officer also provided Commons for all the Members. It appears, that he boarded not only the

the Clerks of *attending Commoners*, but even their *servants* and *grooms*. Of this an indubitable evidence appears, by a charge in the accounts for Michaelmas Term, 1634.

Carriages were not then much in use, but vanity combined with convenience in making persons move on horseback to the Courts.* The reader will even find that an English Chancellor, *about forty years after*, wished to revive the ancient judicial custom of riding to Westminster Hall; but that scene became nearly tragical, for *Judge Twysden* was unhorfed, and received a violent injury by the fall. A legal recorder of that event says, the accident proceeded from a want of proper gravity in the horse, and too much gravity in the rider. English good sense was corrected

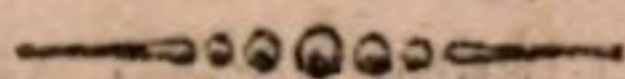
* In the last month, a stable was erecting (I presume by an order of the Society) to accommodate equestrian Members of the King's Inns, and afford an *Asylum* for their horses and grooms. This was a *lively and eccentric innovation*, which would totally derange any building plan, and thereby make *those legal mews* stand the Society in £600 a year. Besides, the building was infinitely too small for general use, as it could contain but *three or four* horses, and must be thus mistaken for a private convenience. Much praise is certainly due to the *prostrater* of this intended nuisance; but it is highly proper to mention the matter, and shew, that a watchful eye ought to be instantly and incessantly extended to the interior movements of the Society. King's Inns thus far resemble the *Roman consular government*, or *papal dominion*—though different the rulers, the maxims and practice appear uniform and permanent.

corrected by that display, and inexpedient ancient practices justly buried in the grave of time.

Had the preceding slight circumstance been recollected or understood, many disgraceful innovations could not be exhibited (as historic truth must enforce) in the third part of this Work. I presume that Members ceased to act as annual *Under Treasurers* or *Pensioners*, when the King's Inns, by a *crafty rule*, and deviation from *original practice*, became the exclusive residence of Judges, and other governmental placemen. This separation was also perfectly palatable in the *Courts, and at the Castle*—Independency of situation was exchanged for attention to lucre, and an occasional provision carved out for an humble friend.

Becket does not appear a *Member*, but was probably an imported dependent of Strafford, and seems to tread in the footsteps of all his partisans. Two centuries nearly sanctify the known antiquity of King's Inns *Stewards*, or *Under Treasurers*, therefore, to borrow Lord Coke's phrase about copyholders, if the house be mean, it is also ancient. The individuals are chequered in a variety sufficient to merit not only a list, but slight remembrances of them. The Chaplains or Preachers do not rest for a record on the King's Inns page; they are enrolled as *writers or prelates* in an high and dignified class. I will only feel it necessary to add to each name some illustration or criticism, which has escaped any preceding review; the arrangement shall also resemble the

the policy of our Constitution, and the Church in this History precede the Law,



PREACHERS OR CHAPLAINS.

AS the full measure of Irish patriotism should be ever directed to sustain or extend the Common Law of England through this Kingdom, the King's Inns Society attracts additional respect, by engrafting a Preacher on the Establishment. We see a close resemblance to the parent Societies in London, *on the revival in 1607*; and the most untutored Irishman can appreciate the propriety of such imitation, by the high and merited rank which the legal body of England sustains among that brave, humane and enlightened people.

Equal as Irishmen are to Britons in mental or corporal perfection, it will not be difficult to rival them in calmness, legal integrity, and public spirit—patterns to imitate, as well as examples to deter, copiously present themselves among the legal tribe. Students, however, are called upon by peculiar and uncommon ties, to prepare in a manner suited to the profession. Let that intelligent body respect the sage and wise conduct of preceding times, but impute abuses to the fleeting vices of individuals, and not to any radical fault in the legal system. Progressive study,

study, combined with personal integrity, will ascertain that solemn fact, whilst the following list exhibits a love for learning, and discernment of talent, in former Members or Fellows of the King's Inns.

Jacobus Usher, Baccalaureus Theologiæ admissus est ut Clericus hujus Societatis, 25 die Februarii, 1609—10.

The nature of this compilation precludes a general criticism on the character of this great man; it would be much more useful to refer the reader to biographers, or his own correct and classical works. Let me observe, that a species of legal descent seemed to entitle Usher to this new situation, as the Stanhursts and Ushers filled, for centuries, high and lucrative stations in that profession; and his immediate ancestors were distinguished both for integrity and talent, which must render their descendant an object fit for patronage or promotion in the revived Society of King's Inns.

Usher continued Preacher, until his elevation to the episcopal Bench in 1620; and was probably admitted, from his King's Inns office, an honorary Member of Lincoln's Inn, previous to 1626. Though folly or obstinacy has imputed to the Primate a spirit of prophecy, he did not then foresee, that the English seminary would give an asylum to his declining years, and fallen fortunes, by a similar situation. This circumstance also proves that the legal body in each kingdom generally rise superior to
local

local or national prejudices, and measure merit, not by a cast of nativity, but tried literary talent, and experienced personal integrity. Usher was too much in earnest to be a tolerant or philosophic Christian; to which prejudice his vivid genius contributed, and such warmth seemed well suited to the Irish soil in that day. This temper provoked the obstinacy of opponents, and prevented a reception of that learned prelate's opinions, with a readiness suited to their importance or wisdom.

Theodorus Pryce, Sacrae Theologiae Professor, unus Commissionariorum Domini Regis, admissus est, ut Clericus, per justiciarios, hujus hospitii, sexto die Octobris, Anno Domini, 1622.

This man only merits notice, as armed with a persecuting power over Protestants, and being, at the same time, a concealed papist, as well as prime favourite of Archbishop Laud. Prynne thus describes him, a professed *unpreaching Arminian and Papist*; yet Pryce was *Subdean of Westminster*, with other clerical promotions, and nearly obtained a Bishopric. But an union of *hypocrisy and servility* were at that time unerring recommendations to *Lambeth*, and a *becoming passport to Ireland*.

Johannes

Johannes Bramhall, Sacrae Theologiae Professor, admissus est, ut Clericus, hujus Societatis, per justiciar: hujus Hospitii, decimo die Novembris, 1633.

The reader shall be referred to *Harris's Edition of Ware*, for an account of this powerful prelate, without any material criticism of mine. His firmness and talents are unquestioned; he was also able to leave a large estate, acquired in Ireland—a sufficient proof in itself of the cause and effect of professional activity. This prelate survived until Charles's Restoration, and was appointed *Archbishop of Armagh*; but he secured the estate; for his son and heir became a Barrister and Member of the King's Inns in 1658, and took the usual oath or engagement to be true to the Government without a *King or House of Lords*: Yet Bramhall was enabled to act more correspondent to inclination, when he swore allegiance to Charles II. and accepted the rank of a Baronet from that Monarch.

Hugo de Cressy, Artium Magister, admissus est ut Clericus hujus Societatis, per Justiciarios hujus hospitii, vicesimo secundo die Novembris, 1634.

This remarkable man was son to Judge Cressy, and came recommended by that close reviewer of clerical merit, *Laud*. However, the prelate's sagacity materially failed him; for Cressy attained the
Deanry

Deanry of Leighlin, and other Church preferments ; yet became about the year 1646, a *confirmed papist*, and even a *Benedictine Monk*—afterward his zeale or duty moved him on a mission to England, where he laboured for better than twenty years to illuminate his countrymen.

The next person who appears as Chaplain to the King's Inns, is Mr. Henry Wootton, to whom chambers appear assigned during the usurpation. He was also invited to Commons ; but we are left to free conjecture as to his former or subsequent situation ; but his name is rendered familiar, by a recollection of the learned Provost of Eton, and has been enrolled among the peerage.

The next King's Inns Preacher, or Chaplain, is Doctor John Parry, who was appointed in 1661.—He continued until his elevation to the See of *Offory*, in which situation he appears as a learned, public spirited and orthodox prelate. It is seldom the custom of biographers to insert doubtful disgraces against persons whose actions they record ; yet, Parry has not escaped such a singular attack : He is charged, by *tradition*, with having effaced, from the monument of an obnoxious individual, a flattering inscription. For the honor of human nature, I hope the fact did not happen ; at all events, it proves, that where malice, arising from motives merely human, is charmed into oblivion, superstition can still retain its scorpion sting.

Anthony

Anthony Dopping (Parry's successor) merits every eulogium, which zeal for civil freedom, clerical talent, or personal firmness, can possibly claim; he might also be considered *a child of the King's Inns*—for his father was an Attorney, whose entry on that Roll appears in the following terms: “Eodem Die et Anno (scilicet secundo die Februarii, 1626) Anthonius Dopping, Gen. admissus est in Societatem hujus Hospitii.” Such was the father of this eminent man, whose ardor for the Constitution of Ireland is evinced by his publication of the *Modus tenendi Parliamentum*; his clerical talent by a Treatise *De Visit. Episcopaliibus*, and his personal firmness, by an eloquent resistance to the repeal of the Act of Settlement. To counterbalance such extraordinary accomplishments, one error can only be produced, but which merits double censure when traced to so excellent a man. Dopping, smarting under a sense of recent wrongs, disgraced the pulpit by a political sermon. I am too well acquainted with the *scenery of a Wexford rebellion*, not to make allowances for ebullitions of political zeal or religious fury. A civil war engenders such sentiments to a criminal excess, even in honest minds, which necessary consequence gives an added horror to public convulsions, as amid them a *Dopping* could not be permanently wise or virtuous.

The next King's Inns Chaplain, or Preacher, John Worth, never ascended the episcopal Bench, but filled the Deanry Chair of St. Patrick's. No regular life of him has been published, and his Works
(if

(if he wrote any) have escaped my research. I presume him to be son to Dr. Edward Worth, Bishop of Killaloe, and younger brother to William Worth, Baron of the Exchequer in the reigns of Charles and James II. This family produced many public spirited men; the preceding prelate founded and endowed an hospital called *St. Stephen's*, in the city of Cork, with an ample landed estate for its perpetual support, and other charitable purposes. A physician, of the same name and family, annexed his library to *Steevens's Hospital* in this city, but a remote situation renders it of little public use, and probably induced the Trustees to think of selling that collection, and aiding the institution by its pecuniary produce. Under such an impression I viewed the Library, conceiving that the King's Inns Society may become purchasers; but architecture was destined to absorb *Law's mental feast*, and *successive jobs* permitted to rival each other in *extravagance or absurdity*.

Doctor Alexius Stafford succeeded to Worth; and there can be no doubt (*had Popery triumphed*) but a mitre or Cardinal's cap would have adorned his brow. General abuse has been dealt out against him in co-temporary pamphlets, but no particular disgraceful act is either charged or substantiated. A quaint legal aphorism instructs me, that *Dolus versatur generalibus*. Besides his *voluntary services* and *heroic death* exact, even from a firm opponent to his political or religious creed, a ready belief of Stafford's personal virtue and humanity.

Dr.

Dr. John Hartstonge, afterwards Bishop of Offory and Derry, was appointed King's Inns Preacher after the Revolution. This gentleman was younger son to *Baron Hartstonge*, and so far previously connected with the Society. The only observation on this life will be an attempt, and probably *a successful one*, to prove him my countryman, and a native of the *County of Limerick*. He is stated to be born in Norfolk in 1659, in which year his father was an Irish Barrister, having been called to that station about ten months before the alleged birth; but some biographers conceive that neither *a successful man*, nor *a person of genius*, ought to be a native of Ireland; at least such was the prevalent sentiment in that æra of fallen national character, and virulent party prejudice.

Ezekiel Burridge, Master of Arts, succeeded Hartstonge in 1693, and merited that rank by active zeal during the late troubles, and his known literary eminence. In this person we have something more to remark than accidental birth-place, or transitory and unsubstantial fortune. He was a clerical Whig, and sustained the political combat with infuriate zeal. No English Writer equalled him in a description of the public crimes or personal baseness of James II. However, fortunately for that *Monarch's fame*, and the *feelings of his partisans*, it was buried in the darkness of an ancient and foreign language. Burridge's attack upon an Irish Chief Justice was neither marked by decorum nor probability. A translation of Locke's *Essay into Latin*, proves correct classical skill,

skill, and a strong attachment to the opinions, whether *philosophic or political*, of that great Author. The latter were, however, Burridge's favourite pursuit, yet personal situation seemed often to create and direct them.

As *Vicar-General of Down and Connor*, he had an active concern in the sentence against *Lemuel Mathews*, and proudly vindicates the existence of a *religious system of tyranny in Ireland*, which he admits was wisely abolished in England. I merely mention this circumstance to illustrate the genius of Irish Whiggism at that day; it generally flowed from an appetite for power or property, and must have been therefore exercised against innocent and trampled opponents; it also added to this particular glaring crime, an avowed degradation of national character. Party neglect did not bury this Author in the angle of a northern diocese; a King's Inns situation led, by frequent precedent, to a Bishopric; and in 1697, when St. Michan's, the sole parish on the north side of Dublin, was carved out into three, Burridge was appointed the first clergyman of St. Paul's; but a premature death deprived him of a biographical rank among Irish prelates, whilst literary exertions ensure him a situation tolerably exalted among the Writers of this kingdom.

Doctor Peter Brown, in 1703, filled this station; he was afterwards Provost of Trinity College, and Bishop of Cork. Singularity and obstinacy have given a kind of perpetuity to this man's lettered

A a

character.

character. He took the oaths to Government, and was yet suspected of rank disaffection. Probably that constraint strengthened his disloyalty, which appeared in a pamphlet against drinking memories, as *savouring of paganism or infidelity*. No Treatise could rouse severer criticisms; it was *presented by Grand Juries, proscribed by corporate meetings, and disgracefully toasted at convivial clubs*. The Bishop *replied, rejoined, and complained*, in two other pamphlets, without making a single convert to his opinions, for *sociability and Whiggism* triumphed over *sobriety and Jacobitism*.

A most respectable clergyman, Doctor John Sterne, Bishop of Clogher, succeeded in 1709. He was then Dean of St. Patrick's, and had for his successor the *well known Jonathan Swift*. This man is entitled to lasting remembrance for his many excellent qualities. A few such characters would make prelacy popular, *even among dissenters*, animate civil freedom by religious support, and consecrate literary establishments by public bounty or personal encouragement.

George Berkeley, senior Fellow of Trinity College, filled the office in 1713. As Bishop of Cloyne, he is well known, both by his writings and practical virtue—even Pope's verse would eternise his fame. Let us, however, ascertain, *if possible*, what led to the King's Inns appointment. Prudence or principle induced Berkeley to assume the humour of that day, and illustrate political tenets in religious discourses.

courses. Three sermons delivered at the college chapel were, in 1712, published under this courtly Tory Title, “*Passive Obedience vindicated upon the Principles of the Law of Nature.*” Paganism was called in to sustain the system by an appropriate motto, from the page of a republican, *nec vero, aut per senatum, aut per populum, solvi hac lege possumus.* Fortunately, for Berkeley's promotion, he was in Italy on the accession of George I. and did not return until party venom had so far subsided, as not to preclude great literary talents, and most amiable personal manners, from attaining their due ascendancy.

Doctor Charles Carr, a Fellow of Trinity College, and Chaplain to the Lord Lieutenant, in 1716, filled the same situation at the King's Inns. He became Bishop of Killaloe, and left a vacancy for another courtly priest.

Doctor Robert Howard, from a similar collegiate and Castle position, attained the vacant seat, and soon exchanged these subordinate promotions for an episcopal See. These prelates may be “*friends to learning, though too wise to write.*” The latter had a brother recorded by Walpole, to whom he became heir. His name has been also ennobled, for he was grandfather to the Earl of Wicklow.

The next Chaplain, or Preacher, contrasted with the preceding, appears an emblem of King's Inns scenery, in which *indolence and activity, lettered ease*

or laborious research take their *respective turns*. Doctor Robert Clayton, afterwards the memorable Bishop of Clogher, succeeded to Howard in the King's Inns Society. He was a man of great and universal learning, with an excellence of personal character suited to such rank, yet his relationship to Lord Sundon probably led him with more expedition, *than the preceding qualities*, to an episcopal throne.

I shall not convert King's Inns remembrances into a controversial page, but give to the reader what has, for a long time, been the solemn conviction of my mind. I conceive, that Dr. Clayton retired in 1758, from an apprehension that he would *be degraded*. He had an independent private fortune, with a nice sense of feeling. What strengthens my opinion, is the continuance of an upper and confidential servant under his successor. I have conversed with some relations, intimates, and even servants, of this remarkable man; all conspire to confirm my ultimate belief. The reader shall not be further *perplexed, or solicited* to assume a *similar opinion*; I only recommend to him to peruse *the Case of Sir Orlando Bridgman*, as reported (to borrow legal terms) in the *Biographia Britannica*.—Let him then determine whether an anxiety about *personal fame* may not at least lead a man as far as a disposition to *defraud creditors*.

A Mr. Gibbons appears to have been King's Inns Chaplain, or Preacher, immediately previous to 1732. No account remains of his appointment,
or

or of his removal, whether occasioned by absence, promotion, or death. We may presume him a person of respectable connexions, from the character of his predecessors, as no literary monument remains to justify the appointment.

In 1732, Dr. *Caleb Cartwright*, junior Fellow of *Trinity College, Dublin*, stands on the King's Inns Roll, not only as *Chaplain, or Preacher, but Treasurer*. This gentleman went out on a College living, and died in August, 1763, with which preferment he also held a prebend in the Cathedral of St. Patrick. We must conceive, from collegiate situation, that Dr. Cartwright was an excellent scholar, and that some particular merit led to the preceding appointments.

No vestige of any allowance remains upon records, save *Chambers and Commons*; yet we cannot doubt that some stipend was added in conformity to ancient usage, and English precedent. I believe the unbiassed patronage of so learned a body formed its principal benefit in the eye of the Nation and Government. However, I shall so far usurp the official situation of a former intimate, Sir John Newport, (who is also a Member of the King's Inns) as to propose *Ways and Means* for the future provision of our *Chaplain, or Preacher*, and annex the same to the conclusion of *this Work*. This account closes as abruptly as the *general History*, commencing with the *luminous Usher*, and closing with *the obscure Cartwright*; thus, resembling the progress
of

of the Rhine, which rising in Alpine mountains, and severing two great kingdoms by its rapid flood, yet dwindles into a rivulet ere it mixes with the ocean.

The Chapel of the King's Inns Society lay in that part of the monasterial district called, *in our time*, Mafslane; it was most probably one of the ancient chapels in the Dominican friary, and merely converted into a place for reformed service. James II. restored it to the ancient use, and attended Mass therein. On the Revolution, King William presented it, *with the Society's consent*, to French Huguenots, who wanted a place of prayer. As that small, but brave, body contributed to the national triumph, it was due both to their services and sufferings. The site is now under a similar use, by a dissenting congregation, and the legal body seem equally unacquainted with their ancient property, or its modern management.

On the 18th of June, 1607, the Society was *reviv-*
ed by the Lord Deputy's entry on its Roll, and on the 24th of June, Mr. Baron Ellyot was chosen Treasurer, and Mr. Jacob Newman, Sub-Treasurer, until further order. Now, as *Easter Sunday in that year was on the fifth of April*, the twenty-fourth of June was almost in the end of Trinity Term. It was therefore natural that the preceding officers, after long vacation, should be continued, *as the Order of the 10th of November imports*, for one year more. Then also a Pensioner was elected; their names shall be now laid before the reader, with some accounts.

June,

June, 1607, Baron Ellyot, Treasurer; Jacob Newman, Under Treasurer. November, 1607, Baron Ellyot, Treasurer; Jacob Newman, Under Treasurer; Christopher Lynch, Pensioner. November, 1608, Sir James Ley, C. J. K. B. Treasurer; Nicholas Reilly, Under Treasurer; John Mead, Pensioner. 1609, Sir Nicholas Walshe, Treasurer; George Robinson, Under Treasurer; Patrick Archer, Pensioner.

Baron Ellyot accounts for the preceding period, wherefore I presume (though there is no remark to that effect) that Sir James Ley, who was removed to England, substituted the Baron to act for him, and that Sir Nicholas Walshe, from advanced age, and growing infirmities, was obliged to solicit similar assistance. This may be also a reason why, for several succeeding years, younger persons were elected to serve said office. *His account was thus:—* Receipts by him and the Pensioner, 93l. 19s. 2d.—Expenditure, 82l. 16s. 2d.—Balance, 11l. 3s.

1610, Robert Barnewall, Treasurer; John Veldon, Under Treasurer; Michael Cowley, Pensioner. 1611, John Blennerhasset, Treasurer; John Southwell, Under Treasurer; Geoffry Galway, Pensioner. 1612, Edward Fitz-Harris, Treasurer; Nicholas Brady, Under Treasurer; George Lea, Pensioner. 1613, William Talbot, Treasurer; John Johnson, Under Treasurer; Peter De Lahoyde, Pensioner. 1614, John Warren, Treasurer; John White, Under Treasurer; David Rothe, Pensioner.

Penfioner. 1615, William Marwood, Treasurer; Thomas Ellyot, Under Treasurer; John Cottell, Penfioner. 1616, Sir Gerard Lowther, Knt. Treasurer; Joshua Downing, Under Treasurer; Peter Ailward, Penfioner. 1617, Richard Farewell, Treasurer; Nicholas Gernon, Under Treasurer; Nicholas Fitz-Williams, Penfioner. 1618, William Crowe, Treasurer; George Lowe, Under Treasurer; James Bryver, Penfioner. 1619, Jacob Newman, Treasurer; William Shiel, Under Treasurer; James Sherlock, Penfioner. 1620, Robert Roth, Treasurer; Harmontus Jacob, Under Treasurer; Samuel Mayart, Penfioner. 1621, William Spark, Treasurer; Christopher Ellyot, Under Treasurer; Richard French, Penfioner.

No account appears fettled from the foundation, except Baron Ellyot's, until this year, when Mr. Mayart accounts with Mr. Andrews on the part of the Society, and acknowledges a receipt of 6l. 1s. 4d. a disbursement of 3l. 4s. and a balance of 2l. 17s. 4d. From this period an annual audit appears. Possibly the preceding years were inserted in some book not now extant.

In November, 1622, Sir George Shirley, Chief Justice of the King's Bench, appears as Treasurer; Nicholas Lowther, Under Treasurer, and Gerald Aungier, Penfioner. The several items and termly statements appear in the *Black Book*, from which two years have been extracted, and appear in the 118th, and subsequent pages of this History. To
re-insert

re-insert such, or add the remaining six years, seems equally improper. Let us, however, name the annual officers:—1623, John Cheevers, *an Attorney*, Treasurer; John Paris, Sub-Treasurer; William Latham, Pensioner. 1624, Henry Andrews, an Officer of the King's Bench; Emanuel Downing, Sub-Treasurer; John Pollexfen, Pensioner. 1625, Nathaniel Catlyne, Treasurer; Henry Bringhurst, Sub-Treasurer; John Sibthorpe, Pensioner. 1626, Sir Laurence Parsons, Baron of the Exchequer, Treasurer; Nicholas Browne, Sub-Treasurer; Francis Mathew, Pensioner. 1627, Sir George Shirley, Chief Justice of the King's Bench, Treasurer; Washington Reynolds, Sub-Treasurer; the Pensioner's name in the following year appears to be effaced, and in 1628, Sir Richard Bolton, Chief Baron, is stated to be elected Treasurer, and to have appointed John Cheevers, Under Treasurer. The Receipts in this year were 59l. os. 4d.—Disbursements, 50l. 17s. 8d.—Balance, 8l. 2s. 8d. to the house.

Memorandum: "That at a Council helde at the King's Inns the 28th day of January, in the year of the reigne of our Soverayne Lord, King Charles I. *Anno Domini*, 1629, Sir Christopher Sybthorpe, Knt. his Majesty's Second Justice of his Court of King's Bench, was elected Treasurer for this house, to continue unto the first day of the next Michaelmas Term. Receipts, 24l. 13s. 4d.—Disbursements, 27l. os. 4d.—Due to Accountant, 2l. 7s.—Memorandum: That at a Council held in the King's Innes
the

the 7th day of November, in the year of the reign of our Sovereign Lord, King Charles, the 6th, Anno Domini, 1630, Mr. Baron Lancelot Lowther, Esquier, one of the Barons of his Majesty's Court of Exchequer, was elected Treasurer of the house, to continue for one whole year." N. B. *The former a faithful copy.* Receipts, 25l. 15s. 8d.—Disbursements, 17l. 8s. 4d.—Due to the house, 5l. 7s. 4d.

Memorandum: That at a Councill held in the King's Innes the 11th day of November, in the year of the reign of our Sovereign Lord, King Charles, that now is, of Engl, Scotl, France, and Ireland, the 7th, and in the year of our Lord God, 1631, John Philpot,* Esq. one of his Majesty's

* Johannes Philpot, Armiger, unus Justiciar. Com. Banci, admissus est in Societatem hujus hospitii octavo die Maii, Anno Domini, 1622.

This gentleman was afterwards knighted, and died in 1636. He was an Englishman of ancient family, and filled the judicial seat with talent and integrity; his name must therefore appear respectable to the reviewers of juridical history, and has been rendered familiar, in our time, by the unrivalled talents of my friend, *John Philpot Curran*, whose eloquence resembles the great Roman in that classic variety which enabled both, *vetustis dare novitatem, obsoletis nitorem, obscuris lucem, fastiditis gratiam*. Such were my remembrances, and I have merely anticipated the intended publication to hail the elevation of a person *whom I consider as my oldest associate in the Four Courts;—we eat our first dinner at the Temple together, and were called on the same day to the Irish Bar*. Our situations at the present moment are different, but equally awful—he distributes equity to fellow subjects, whilst

ty's Justices of his Court of Common Pleas, was elected Treasurer, to continue for one whole year.

Receipts, 31l. 19s.—Disbursements, 37l. 13s. 5d.—Due to Treasurer, 5l. 14s. 5d.—More received afterwards, 2l.

Memorandum: That at a Council held at the King's Innes, the 8th day of November, in the yeare of the reigne of our Sovereigne Lord, Charles, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. the

whilst I am exercising justice upon delinquent Judges, and have been told, that the dread of my promised posthumous Remembrances has already revived that ancient disease, called the *sweating sickness*, upon certain individuals. Of each *guilty wretch* I can only say, with *merited contempt*,

“ Rode, caper, vitem, tamen hic cum stabis ad aram,

“ In tua quod, Spargi, Cornua Possit, erit.

Let me mention another Irish Judge, (the *intended successor of Philpot*,) *William Fletcher*, a Reader of the Inner Temple. Strafford offered the judicial vacancy to his own brother, who declined it; he then recommended Fletcher, whom Lord Keeper Coventry thus describes: *A man well learned in his profession, and very honest.* The Chancellor of Ireland, and the *Historian of the King's Inns*, can justly apply similar terms to the present respectable namesake of that *old Judge*. Thus, another friend meets merited promotion, and if more associates of mine are thought of, they will be found *learned and humane, brave and upright*; for from early youth I thought it a *murder of time* to loiter with *blockheads*, and a degradation of *personal character* to form a friendship with *timeservers* or *tyrants, hypocrites* or *slaves*.

the 8th, and in the *yeere* of our Lord God, 1632, Sir Edward Harrys, Knt. one of the Justices of his Majesty's Court of Chief Place, was elected Treasurer of the said house, to continue for one whole year.

Receipts, 33l. 4s.—Disbursements, 27l. 10s. 6d.
—Balance, 5l. 13s. 6d.

Memorandum: At a Council held at the King's Innes the 8th day of November, 1633, and in the ninth yeere of his Matie's reigne, that now is; Sir Samuel Mayart, Knt. one of the Justices of his Mats. Court of Common Pleas, was elected Treasurer of this house, to continue for one whole year.

Receipts, 106l. 11s. 10d.—Disbursements, 62l. 13s. 5d.—Balance, 48l. 18s. 5d.—and 1l. since received.

Memorandum: That at a Council helde at the King's Inns, the 7th day of November, 1634, and in the tenth yeare of the reigne of our Sovaraigne Lord, King Charles, Hugh Cressye, Esq. one of the Justices of his Maties Court of Chief Place, was elected Treasurer of this house, to continue for one whole *yeare*.

Receipts, 74l. 12s. 9d.—Disbursements, 67l. 19s. 11d.—Balance, 6l. 12s. 10d.

Memorandum: That at a Counsell held at the King's Innes, the 13th day of November, 1635, and in the 11th year of the reigne of our Sovaraigne Lord, King Charles, James Barry, Esq. Second Baron of his Majesty's Court of Exchequer, was elected Treasurer of this house, to continue for one whole year.

Receipts, 80l. 15s.—Disbursements, 58l. 3s. 6d.
—Balance, 22l. 11s. 6d.

Barry was young in office, and had not sufficiently hardened his front with judicial hypocrisy or presumption, he therefore promptly and honestly paid over his balance to Sir Maurice Eustace, the succeeding Treasurer; but when that crafty timeserver published the *Case of Tenures*, and dedicated the corrupted and venal page to Strafford, courtly connexions encreased, and he became a *Castle spy*, and *hackneyed remembrancer* in the Four Courts. An interested abandonment of his Sovereign explained *republican mysteries*, and finally led him to *King's Inns fraud and plunder*. The above Receipts and Disbursements are entered in English, but the Balances in Latin, thus: *sic remanet super ipsum computantem*.

Sir Maurice Eustace, Ryves, Donnellan, and Hilton, are to be found in page 157, &c. of this compilation; the republican Treasurers are also mentioned. After the restoration they were sometimes re-elected. Their motive appears pretty plain from *Santry's* and *Aston's* conduct, as well as other Treasurers

Treasurers *alluded to, but not named*. Several acted with *great disinterestedness and integrity*, though possibly too great a complaisance appears in *letting the ground*, a practice which must ever continue, *until men are sworn*. Scattered accounts appear during Charles II's reign, but none during James's or William's. Whenever the annual election of a Treasurer was mentioned, after the last revival, *like all other legal misinterpretations*, it was admitted to be the *practice of England*, and fit for that country, but *not suited to Ireland*.

Had not the Under Treasurer been a dependant of *Chancellor Bowes*, the annual rent would have been talked of, or if the circumstance escaped, it was, no doubt, accumulating to *uphold a revival*. But even a greater mischief often arises from pretended reform;—schemes are varied, whilst principles continue. Almost every other year, within my experience, has produced some device, more reprehensible than the former, to which nothing has contributed more effectually, than permitting persons to interpose their feelings as a *screen* against *regularity and honesty*: thus, whilst one account is publishing, another is preparing for exhibition. Let us, however, solemnize these facts, that the King's Inns Society was defrauded by the Treasurership of Lord Chancellor Bowes, of 925*l.* 17*s.* 6*d.*—and that a suit is now on foot on a similar ground.

“ A Council holden in the King's Inne, the 24th of June, 1608: it is ordered, “ That Robert Lynacre,

nacre, at his humble suit, preferred to the Bench this day, shall be established in the office of Steward of the King's Inne."

"A Council holden in the King's Inns the seven and twentyeth day of January, Anno Domini, 1620, We have thought fit to entertain Hugh West into the place of Steward in the King's Inne, and to receive the like wages, and other allowances, as the late Steward, Robert Lynacre, deceased, hath done in the said place and office of Steward and Cooke."

"A Council holden at the King's Inne the sixth day of July, Anno Domini, 1622,—

"It is agreed and ordered, That Thomas Hu-leatt be Steward in this house from henceforth, in the place of *Hugh West*, and that the said Thomas shall have and receive such wages, and other allowances, as is allowed unto the said West, or *any Steward heretofore*."

It is not ascertained, whether the preceding appointment took place on the death or removal of West, but from the words *any Steward heretofore*, it plainly appears, that Commons were held long previous to 1607, at the King's Inns, and we had evidence thereof in the division of chambers, by a reference to persons who occupied them previous to the civil wars under Queen Elisabeth. Our next mode of ascertaining the succession is by a payment to Mr. John Grason, as Steward, in Hilary Term, 1628—9,

1628—9, in the accounts for that Term; but no rule for *Graſon's* appointment appears on the books. A ſimilar ſingularity attends his ſucceſſor, Mr. Maude, whoſe ſituation is only evidenced by the petition of *Randal Beckett* to ſucceed upon the death of the Steward Maude.

Beckett's appointment runs in the following words:—

“ We are pleaſed to grant the petitioner his requeſt, and do hereby elect and admit him to be our Steward in the Inns, and do require him to make proviſion againſt the next Term. Dated this twenty-third day of July, 1633, *Anno Caroli Regis nono.*”

The preceding Stewards acted in the double capacity of Steward and Cook, and had no interference with the moneyed concerns of the Society; they were therefore *faithful, humble, and honeſt*. But the King's Inns adminiſtration began to exhibit a new ſcenery: A *corrupt and tyrannical* Government neceſſarily protected *cruel and perjured Judges*, and theſe miniſters of juſtice ſcreened from a luſt for patronage, or ſimilitude of ſentiment, *ſubordinate minions and plunderers*. The legal profeſſion diſdained to ſupply diſinter-eſted annual Under Treasurers and Penſioners, or to act under *Straffordian innovation* as inferior, and not co-ordinate miniſters. Neither the *Caſtle nor King's Inns junto* were diſpleaſed at this dignified retreat, whereby places were united and directed to perſonal profit; and above all, future ac-
compts

compts wrapt in mysterious concealment, or managed by a pliant Government Committee.

Becket soon assumed an activity suited to his private views, and the new order of things. He obtained a lease of King's Inns ground, *sufficiently spacious* to erect thereon an *house, with a garden*, thus, forming a city rural retreat, which future improvements may change into *permanent ground rents*. The *Pensions* and *Cast Commons* formed a species of *casual revenue*, which may be either compounded for, or received in full, and in *either case prudently suppressed*. In a mixed career of *open impudence or concealed fraud*, this man moved, until June, 1640. The political horizon portended an awful change, and Strafford's power seemed on the wane. This prospect probably emboldened a King's Inns opposition to inspect with becoming accuracy Becket's accounts, and general official deportment. He stood convicted of a fraud in an alleged exchange of light gold, with the added baseness of pawning the Society's plate.

An immediate removal took place, and on the third of July, 1640, Thomas Bringhurst succeeded the delinquent as Steward, Under Treasurer, or Seneschal of the *King's Inns liberty*. The misconduct of an extern, probably led the Society to return to the exploded mode, and appoint a Member of their body (when such a person could be found) as receiver of their rents and duties. Nor was any measure so likely to secure a faithful performance of the trust, for professional situation hung upon it;

B b

whereas,

whereas, the fraudulent extern could hide his guilty head from the legal tribe, and move in a different sphere, with the reputation of a *smart, knowing fellow*, in having successfully cheated all the *Judges, Barristers, and Attornies, in the Island.*

Mr. Bringhurst was an Attorney of some standing, and, I doubt not, of correct character; for reformers abandon their permanent interest, or the final bearings of public opinion, if they do not most carefully attend to proper persons in the room of displaced criminals. Thus, in such a period, a *legal genius, and tried patriot*, should succeed a *judicial blockhead, or knave*, and a man of *known honesty, a defaulting accountant.* The new Steward, or Under Treasurer's entry is :

“ Thomas Bringhurst, Generosus, admissus est in Societatem hujus hospitii octavo decimo die Junii, 1632, et solvit decem. solidos.” This gentleman vanished with the Irish Constitution in the approaching troubles of 1640; nor can I trace his existence further, but presume him to be a Connaught man, as a Mr. Henry Bringhurst of Kilkeran, in the County of Mayo, was a witness on the trial of the unfortunate Peer who bore that title.

In 1656, the Commons re-commenced, and, can the reader believe it, on the 27th of November, 1657, the *unblushing Becket* appears to have acted in the intervening time as Under Treasurer, and was so continued by the *mild and modest Corbett.* The union of these singular characters was cemented by that sympathy

pathy of sentiment which enabled them to bury in a pleasing and profitable oblivion, every proper regard due to their King or Country. "We even find, that on the twenty-third of November, 1657, William Becket, Esq. was admitted into the King's Inns Society as a Barrister, but the Restoration blasted Randal's official hopes for ever." That awful event led Corbett to Tyburn, and buried his associate in original obscurity.

Yet in 1678, his son William, modestly prays for a lease in reversion, for sixty-one years, to commence after the expiration of his father's subsisting lease for eighty-one years. The Bench, on the 13th of November, 1678, "granted the reversionary benefit at five pounds annual rent." By such connivance or corruption, the heir of a *convicted and guilty Under-Treasurer* obtained the continuance of his lease to the year 1778; and what is still more surprising, there appears no trace of the inheritance, at that time, falling in, and adding to the Society's income.

Under-Treasurers can only attract public notice, or emerge beyond the circle of the Society, by forwardness and vice. We are not, however, warranted to pass *even such persons* without animadversion, lest impunity may add to the *contagion of bad example*. The reader will find himself consoled for the infamy of *Becket and Veldon*, by several *proper persons* who filled *that station*. A Mr. Thomas Crow was appointed first during the Usurpation to assist Becket,

and enjoyed, after the Restoration, the full profits. To him succeeded, in 1663, Thomas Wale, of whom I cannot give a better character, than that the father of Dean Swift did business with him, and was his friend. Mr. Swift has been removed, by the merit of his son, into the body of this Work, and illustrates, by that information, even the collateral benefit which must have resulted from an earlier *printed Account of the King's Inns.*

On the 25th of April, 1667, Mr. Stephen Pilkington succeeded Mr. Jonathan Swift, deceased. This man has not emerged by knavery or vice from the sober shade suited to his station, and presumed integrity: his name does not even appear on the books as an Attorney. I find that the Steward or Under-Treasurer always *wore a gown within the Inns, or whilst on official duty.* Three pounds is charged in the accounts to the Society, as the appearance was to uphold *the station, and not personal vanity.* Such was and is the *practice in England*; the revival, therefore, of this *national symmetry* ought to take place, but, as in the preceding period, be *paid for out of the Society funds.*

A Mr. John Abbott filled this situation in 1681; he even got a lease, nearly in perpetuity, and since re-leased to his family on George's-hill. I have not traced any official impropriety, and am indisposed to censure him for accepting a benefit where he was not the trustee. Besides, his being removed under King
James

James shews, *that he was no temporiser, but most probably a conscientious Protestant, and sincere patriot.*

To Abbott succeeded Peter Reilly, an Attorney, then Deputy to his brother Hugh, Clerk of the Privy Council, and after the abdication, Chancellor to James. The principal cause of the meeting on the 15th of February, 1687—8, is said to be for his election. He retreated with his brother to France, and left the station open for any successor.

On the 15th of June, 1691, Richard Darling was elected Steward, and to serve the Society as such. Thus the King's Inns underwent a purgation, even before the *battle of Agbrim, or surrender of Limerick*. The reader will find this gentleman in *King's State of the Protestants*, page 290, certifying an Act of Parliament in the following terms: *Copia vera. Richard Darling, Cleric. in Offic. Mri. Rot.* He continued in office until *the 24th of March, 1703—4*, when Joseph Ashbury, Gent. (Purse-bearer to Sir Richard Cox) was elected to said office with all the fees, perquisites, profits and advantages thereof, *during pleasure*; and Richard Darling is required, with all convenient speed, to give Ashbury possession of the house and garden with the appurtenances; and all furniture, utensils, books, records, and papers thereunto, or unto the said office belonging.

Ashbury was a protected minion and dishonest tool of Sir *Richard Cox*; orders are therefore repeated to enforce payment of *Pensions and Cast Com-*
mons

mons from Members, but none on the *Under Treasurer* to furnish his own accounts, whereby the usual measure of King's Inns fraud continued, and the secondary knave remained in office until the final removal of his dishonest patron.

Thus, on the 3d of March, 1715, Richard Blair, Gent. is appointed in the room of Joseph Ashbury, Gent. The order is a literal transcript of the former. The mind feels some partial relief in a transition from forward, scheming, or dishonest characters, to persons of lettered habits, polished manners, and unblemished name—such most certainly was Blair's successor.

We find, that on the 5th of February, 1721, Mr. Thomas Elrington is appointed, and as the order requires Richard Blair, late Steward, to *surrender in the usual form*, we have evidence that Blair was turned out for *personal ill manners, or official dishonesty*. I cannot trace whether Mr. Elrington belonged to the legal body, for no Attorney appears entered on the Black Book of Admissions from the death of Charles II. ; most probably they were contained in a different roll, as has been the custom for the last century, but such list never fell into my hands. Whatever situation or connexion led to the appointment, regularity, integrity, and order, seem to mark his official continuance.

Mr. Elrington promptly and honestly proposed to accept four shillings and six-pence each Term
for

for *Cast Commons*, and confine the charge to *Practitioners*. Such *moderation and integrity* marked the preceding measure, as form an *irresistible proof* that in the collection of *pensions and rents* he was *faithful and incorrupt*. Whilst official station, as *arbiter elegantiarum* to the Vice-regal court, and theatric taste equally satisfy us, that interior management was *decorous and correct*. Commons did not long survive Mr. Elrington, whose death is thus announced in the London Magazine for the year 1732, and month of July: “Mr. Thomas Elrington, Deputy *Master of the Revels*, *Steward of the Inns*, and Chief of his Majesty’s *Company of Comedians in Ireland*.” From the official position and profession of Mr. Elrington, we may presume that exterior polish and pleasantry of manner distinguished the Steward or Under-Treasurer, though graceless gravity might mark a majority of his employers. Even this appearance is often assumed, and particularly among the legal tribe. This exterior mystery of the body does not merely cover, according to *Roche-faucault*, the interior defects of *the mind*, but often leads to professional business, and official rank. If a bust be affixed to the New King’s Inns, the likeness should not be taken from a head of genius, but a brow of somnolent dullness, and hollow hypocrisy. Pope’s just and lively ridicule was not confined to the Temple, but often transplanted to the Hibernian shore, where

“ The King’s Inns, late two brother Benchers saw,
 “ Who deem’d each other, oracles of Law;
 “ When met together, these congenial souls,
 “ One lull’d th’ Exchequer, and one stunn’d the Rolls;
 “ Each

- “ Each had a gravity would make you split,
 “ And shook his head at *Curran* as a wit.
 “ ’Twas, Sir, your Law, and, Sir, your Eloquence,
 “ Your’s *Burgh’s* manner, and your’s *Yelverton’s* sense.”

By a prevalence of the preceding opinion, Camden was pining in briefless poverty through Westminster, and seemed to deserve it, for being able to illuminate and illustrate a legal report by an opposite quotation from Lucan. What a different fate awaited a vain, presumptuous, illiterate Chancery Practiser on that famous ground! Ireland also can produce its legal phenomenon.—A man has enjoyed full business, and became incompetent when on the Bench, *for a very obvious reason*: he possessed great natural sagacity, and a most retentive memory, without lettered habits, or legal learning. Such a position can only make a *surface Judge*. General practice precludes intense reading, unless that precious store is accumulated at an early period, or in a season of leisure, the legal code will never be reviewed with energetic accuracy, or instinctive strength. Government may as well hope for a *Boerhaave* or *Linnaeus*, from the noisy toil of a *pestle and mortar*, as a judicial *Hale* or *Somers*, from persons confined to the preceding habits.

In 1732, *John Smith* was appointed in the room of Mr. Elrington; he resigned after a continuance of four Terms, and had interest sufficient to obtain a premium of 70*l*. This gentleman was then appointed Clerk, or Register, to Solicitor General Bowes,

Bowes, was afterwards his Secretary, and a private favourite with that base man. All Bowes's dependants governed him with singular impudence, and in many memorable instances, for they were the presumed associates of his personal or judicial crimes, and were thereby enabled at a *moment* to deprive, by discovery, their wretched patron of *liberty and life*. In 1734, William Battely filled the office; he was an officer in the Court of Exchequer, and therefore may be presumed to be an Attorney.

In 1739, Mathias Reily succeeded Mr. Battely. This man had been Clerk in said office, and indulged the laudable ambition of leaving useful memorials, and arranging the irregular or imperfect records of the Society. Had similar industry marked preceding officers, the King's Inns concerns would at least be easily explored, and ready for publication at all times.

Michaelmas Term, 1752, John Robinson became Steward, or Under Treasurer, and had an order to get the garden and house at the King's Inns, usually belonging to that officer. This man will be presented to our view on the second revival in 1789, upon the death of Lord Lifford.

The reader will (I trust) conceive it proper to have inserted the preceding account, as of double use, for whilst the ancient History is thereby correctly closed, an useful precedent for future guidance becomes enrolled. The Society will be enabled by a reference thereto

thereto to unite past experience with existing wisdom, and direct every future Under Treasurer, in what manner to conduct himself, so as to merit public and professional respect by *personal modesty*, becoming *politeness*, and *official integrity*. Such manners will elevate the situation beyond its natural rank; a circumstance proper at all times, but indispensable at the present moment, when by a standing rule, (in my opinion a most improper one) that officer cannot be a member; were that case however otherwise, his line of talent or station must be extremely subordinate, and disable him from indulging any material interference or personal presumption in King's Inns concerns. Mean time mild manners, and unassuming honesty will be always attended to by enlightened men, and probably confirm such Under Treasurer by a *regular annual re-election* in the place for life.

There would be an apparent want of gratitude after the use which it has afforded me, if I did not give a few extracts from the Black Book. They may illustrate by comparison, the relative prices of articles at that time and in our days; or exhibit minute circumstances of interior management, which mark with precision and impartiality, the habits, positions, and prejudices of men in an early period, now nearly forgotten, or not thoroughly understood,

Anno 1628, Baron Gerrard Lowther (after C. J. Common Pleas) pays 5l. fine for his chambers,
Steward's

Steward's Term wages, 1l. 5s.—Butler's 1l.—2lb. of Candles, 8d.—In Easter, 1629, two board cloths for the bench table, 1l. 18s. 6hd.—ditto for the bar table, 13s.—In 1629, flates were ten shillings per thousand.—Easter Term, 1630, Mr. Serjeant Barry, for his admittance, 2l. This man was afterwards Lord Santry, a native of Dublin, son and heir to Alderman Barry, member for that city, in the parliament of 1613, and practiced for many years, yet only became a member of the King's Inns, or submitted to its pensions and rules, when dignified with official station—He was however an active planner of every subsequent improper change.

Trinity Term, 1630, parchment to make the pension rolls for this and the last term 1s. 1d. I only insert the preceding article to shew the similitude between our revived Society, and the English Inns of Court. Two carpenters, two days work, and an half day, 7s. 6d.—In Hilary 1630, paid the players for the grand day, 2l. It is not ascertained whether this was for music, or a dramatic exhibition; I should rather think the former: Though England had its Beaumont, Fletcher, Johnson, Messinger, and Shakespeare before this period. Ireland had no theatre until 1640, more ancient shews were displayed in convents or temporary booths erected at tournaments, fairs, and markets. Hilary, 1631, wine and sugar, the grand day 16s. 6d. the mixture of liquors forms a tolerable proof that the wines of Portugal or Guienne, were
not

not then much in use; indeed the trade of Ireland lay principally with Spain and Italy.

Hilary Term, 1632, on Candlemas Day two quarts of sack, two quarts of claret, two quarts of white wine, a pound of sugar, oranges, and lemons, 7s. On this item I may borrow an observation from Johnson as to the salary given to the Scots Professor Boethius, that it would puzzle a modern wine merchant or grocer, to divide or imagine the preceding prices. Easter Term, 1633, paid the Steward's wife for washing the table linen, 5s.—a proof of the inferior rank of the Steward; but when an improved income afforded a fund for speculation, persons of a superior class assumed the office, and finally the profits sunk into his or the Treasurer's pocket. Becket came into office on the 28th July, 1633. For mending two silver bowls, 6s.—A labourer for two days, 1s. 6d.

Hilary Term, 1633—4, for grand day: sugar, 2s.; two lemons, *a shilling*; four quarts of white wine, two shillings; five quarts of claret, 2s. 6d.; and five quarts of sack, 5s. August, 1634, to the Butler for his service in the *Parliament time*, 16s. 8d.; to the Porter for the same, 1l.; to the Carpenter for building the stable, 1l. 11s. The stable which was erecting in the last Term would cost better than one hundred guineas, yet possibly not five Benchers in the kingdom knew one word about that matter; even this publication may be the first notice given to some of them about it, so singularly concealed

concealed or unwarranted are many proceedings of the Society. About the year 1634, the Porter, Walter Lewes, petitions for leave to admit into his house a *Barber Chirurgion*, who was an *Englishman*, and a *Protestant*. Lewes got his situation (I presume) for enjoying both characters, and thought no other person could be a good neighbour, or fit to shave a sapient judicial head, and adorn its exterior. Lewes's predecessor was a Milesian, *O'Brennan*, and so entered on the books, of a name well known in Irish annals, and resident about Castle Comber. Michaelmas Term, 1634, for a bag to hold the money, 6d. ; to table cloths for the grooms, 9s. 6d. Candlemas Term, 1634, To two pound and an half of sugar on the last grand day, five shillings. This was a tremendous sum on a comparative scale of money with our times. If a knowledge of commerce does not accompany the reader's judgment, study will engender and confirm obstinacy of opinion. Whilst singular facts or obsolete customs furnish to the philosophic mind political conclusions, and in that manner contribute to national wisdom or popular content. For a pound and an half of sugar, (in the year 1634) 5s. 6d. A proof not of the general consumption, even among higher classes, but of its great scarcity through the nation.

For two years and an half's rent to the King, in 1634, 2l. 12s. 6d. As I do not see, in the modern King's Inns accounts, rents regularly paid to his Majesty, nor a charge for its purchase, the circumstance either proves a general irregularity in those
printed

printed statements, or that the Crown has been treated like the Members at large. For a box to keep the house writings in, (the year 1634) is. A sufficient security in ancient times, but not usefully adequate to counteract modern devices, or in an office where a permanent placeman could speculate on Society money, as if it were private property.

There has been a more curious strong box than the preceding, and may be termed *Pandora's legal chest*. This machine had three distinct locks and keys; one was delivered to each separate Trustee. The chest, or strong box, was also apparently locked in the presence of all parties, but by some leger de main one key only was turned in its lock, and the strong box happened to be in that person's keeping who had the key;—this happened in a well-known kingdom, and among men emphatically termed a Friendly Society. No reason is assigned for changing the annual accounts in 1636, from the usual mode, *English* into Latin: but whether it was the taste of the writer, or a lost rule of the Society, though the entries and gross sums are in Latin, the minute items are in English.

On the 22d November, 1636, Treasurer Baron Barry, not only paid his balance, but gave his successor a *gilt bowl*, a *box*, a bundle of *writings*; yet such is the chequered scenery of human life, that, *thirty years after*, in 1666, he stands convicted of *official fraud*, and died without *restitution*, or *probably repentance*. An English entry appears thus on the
4th

4th of July, 1636: Paid to the herald at arms, (Albon Levereth) for the book of admissions, 10l.—Paid to the Printer (William Bladen) for the book itself, 4l.—On the 25th July, 1639, for repairing the clerk's seat in the church, 9s.—This must be in the Society's private chapel, for the seats belonging to them in *Michan's* church, are charged in another part of the book; possibly the reason of neglecting an occasional attendance at the parish place of worship, flowed from having a private chapel; but now, and I mention it with real chagrin, the King's Inns Society have neither situation to exercise religion in.

In 1639, we find two coops for poultry, charged in the account; *Ormond Market* was then their estate, and part of the *King's Inns* garden, when laid to its present use after the restoration; its *original* and *emphatical* name was *New-market*; but when the river was quayed in, the Viceroy's name extended to both. About the year 1634, the summer houses were new built, and at an expence of 46l. 6s. 3d. it thus resembled the Temple garden towards the river, and Gray's Inn, where it fronted *Cuckoo-lane*, and the adjacent villages of *Grange German*, and *Glassmainoge*. In Hilary Term, 1639—40, upon Candlemas-day, for wine, sugar, lemons, and oranges, 3l. 1s. This was a grand gala according to the price of wines; and further bears a resemblance to English Inns of Court, in some of which Candlemas is uniformly their grand day.

On

On the 5th of May, 1640, Bench Commons were raised five shillings per week above the old charge, and it was then also ordered, That no officer of the court shall have his servant in Commons, *unless their masters be in Commons*—we see by this *indulgence*, what a convenience the King's Inns afforded, and the extreme difference between that period and the present. In Hilary term, 1656, Pewter was bought at 4d. per lb. a labourer 1s. per day, a carpenter 2s. a bricklayer per day 2s. 6d. bricks were then ten shillings per thousand. From 1640 to 1656, there remains no trace of Treasurer's accounts or Commons; yet some entries shew a residence there, and an occasional transfer of chambers. A Mr. *Lewis* is entered in 1647. *Dongan* is stated to reside in 1648, and be the only surviving Judge in the Court of King's Bench. William Basil, the republican Attorney General, in the next year obtains admittance and Chambers.

On the 23d June, 1654, "William Osbaldeston, of Hunmanby, in the county of Yorke, Esq. son and heir of Sir Richard Osbaldeston, Knight, late Attorney General of Ireland, is admitted into the Society, of the Innes of Courte, Dublin, and hath payd for his admittance, for the use of the said Society, the sum of 2l. 13s. 4d. On the 26th and 27th of July, in the same year, *Allen* and *Petty* grace the books. On the 3d day of August, 1654, Thomas Birche of Gray's Inn, is admitted as a Barrister, into the Society. On the second day of October, 1654, Thomas West of Dublin, Gent.

an Attorney is admitted a member, on the payment of the usual fine; and on the twentieth of October, 1654, Theophilus Eaton of Dublin, Gent. another Attorney, is admitted. Here the entries conclude, until the declared revival before mentioned; these admissions are in English, though the rule was not then altered; and on different days in the long vacation, an irresistible proof that a legal man may or may not at the same time be a member of the King's Inns.

In Easter Term, 1657, two diaper table cloths, and four dozen of diaper napkins, cost 7s. 6d. fifteen yards of Holland, for two table cloths, 1l. 7s. 6d.; in our time the Society arms have been interwoven in the table linen; but why do I say *arms*? The *ancient* appear almost defaced from the *Black Book*, yet bear evident marks of being the *Royal Arms*, which were possibly granted by the munificent donor of the *King's Inns*. The motto seems also simple, but extremely appropriate, and what pleases me most, irresistibly expressive of personal and professional gratitude—the words were, *hospitium Regis*. The modern forgery, as well as the motive which led to it, must form a just subject for criticism in the third Part of this Work, and shall not be anticipated. In Easter Term, 1657, paid Mr. Bellingham, goldsmith, for plate articles, 12l. 19s. more materials to amuse the sensitive official fingers of Under Treasurers, for corrupt Treasurers flew at weightier game. *Site of houses, high*

green walks, patents, reversionary grants, with a general sweep of personal property.

For a long cushion for the mace to rest upon, 2l. 10s.: this shews that the Chancellor not only dined frequently at the hall, but also, some times in the proper regalia of official dignity. I therefore hope that our present worthy Chancellor will revive that salutary custom: his presence, and animating influence would infuse a new portion of health into the King's Inns disordered frame; he may also rely upon *my humble but unremitted assistance*, to "inform him of all its *mismanagements, concealments, or defects.*" Such should be my path, when I act for the interest of Ireland, and in support of unshaken political principles.

Trinity Term, 1657, for the Commonwealth's arms in the hall, 6l.; for Lord Henry Cromwell's arms in the book and admission therein, 11l. 5s. Until these few years, *Oliver Cromwell*, was a more favourite toast in this country with a certain class, than our *Great Deliverer*. Gallic crimes have taught that party more reserve. "Let me recommend them to take legal advice before they get drunk, and enquire whether it is not a *rank misdesmear*, to drink the memory of an attainted traitor." It was landed property and not hereditary gratitude, which inspired this social glow. Thus Sylla (an honest man) secured a retreat among the associates of his crimes, and the partakers of national plunder.

Michaelmas

Michaelmas Term, 1657, removing the record presses of Upper Bench and Exchequer to the Four Courts, 4l. 12s.—an hopeful position for national muniments or records; yet the present enlightened period flumbers over this great national object.—In Hilary Term 1657—8, to fix black drinking pots, 9d.—a sufficient proof of the scarcity of glafs. Same Term reiterates the care of the poultry. Mr. Osbaldstone's rent 4l. Society ground probably brought him over, for his father could not be the *friend* or *Protegé* of Strafford, without feeling an appetite to possess the property of others. Disbursements from Easter Term, 1659, to Easter Term, 1661, shew how undisturbed the Society was amid surrounding troubles.

Two tons of coals 1l. 18s. burned in the Inns, at meetings in December and January, 1659; these were consultations to plan the restoration, as appears by the parties who met in that secret manner, and in the vacation. For candles for the said meetings, 1s. 6d.—In Hilary Term, 1662, there is *Nota bene*, that the Judges were not in Commons that Term. Many Terms could I record in my time, with a similar remark. Paid for wine for the Chancellor and Judges, continuing in Hilary Term, 1662—3, two weeks and an half in Commons, 4l. 2s. A note is to be given of all such practicers as are not of this Society—an added proof, if necessary, that King's Inns Members, and the Profession were not co-extensive.

Easter Term, 1664, 56 yards of paving, at 2s. 6d. per yard.—Easter Term, 1665, *Staples and Locks* put on the King's Bench Treasury, for non-payment of rent, 17th November, 1663.—“Ordered, That no families remain in the Chambers of the Society, and if any be, that they remove immediately.” I recollect, but forget the page, that a Mr. Tynte, who was a respectable man, received a mandate to quit his temporary residence in the Chamber of a member.—Trinity Term, 1665, paid Lieutenant Farleigh and Serjeant Cook for quarters at Sir John Stephens's house in this Inns, 5l. 4d. This was a tolerably smart tax, and by a mere military strength, grounded on some act of state, or star-chamber decree: For there was at that time no Mutiny Act in either kingdom. There were several references on this business, and a replevin of the goods; but the wisdom of Government smothered the business, whereby ancient privilege was restored, and no person allowed to plunder the King's Inns, except a *dignified member, or confidential servant*.

The Commons continued one week and an half this Term, a practice not very intelligible, nor consonant to English practice, shortening the dining period seemed to answer one King's Inns principle, it threw cast Commons upon the Members, and thus extended a tax by fraudulent mismanagement. In Easter Term, 1666, paid Lady Donnellan by order, 1l. of 21st June preceding,—on the opposite page this is charged a second time, a proof of the
Treasurer's

Treasurer's mean but systematic knavery. Binding the Black Book, 4s. 6d.—Hilary Term, 1667, 415 yards of paving, at 4d. per yard.—Michaelmas Term, 1668, exchanging six silver spoons, 2l. Thus vanity was acquiring materials for official embezzlement. Same Term, a shed for furze, and new coops for fowl, 2l.; it may be inferred from this entry that the Society *baked, and reared, or at least fattened poultry.*

Michaelmas Term, 1670, for the Steward or Under Treasurers gown, 3l. very fit to be revived, as pointing out such officer to persons on business. Four tons of coals, 3l. 1s. 4d.—Trinity Term, 1676, the Porter's gown, 3l. 15s. We see by this difference, that plainness should mark a gentleman's dress, and tawdriness a servant's. Paid James Nixon, 4s. 9d. which he paid the Lord Lieutenant's clerk, for several copies relating to *Patrick Usher's pretences to the King's Inns.* Modern equity, or law business, has been more costly than even the value of money comparatively exhibits. Hilary Term, 1677, a paper book cost 9s.: this, among others, lost. Easter Term, 1678, to the Porter's wife, to a quarter's wages, for nursing the child, 1l. 10s. I find that this foundling was called *Betty Cloisters.* Did the King's Inns continue a monastery, the Monks would be more discreet in an appellation.

Let me here close the Black Book, and remark, That in a Bench order, the writer signs the names of attending members, which appears on a comparison

rison of their signatures in different places ; but an irregularity of writing, interlineation, and transposition, marks every part of it—many leaves have been lost—it ends about the year 1729. After the entries of 1636, the subsequent page presents those of 1674, whilst a prior and intervening period occupies the remainder. Thus, the reader has been presented with what is obscure, and similar accuracy shall (I trust) distinguish the sequel.

There are two or three other books of the Society which underwent my perusal ; as they are not in my possession, memory must be relied upon.—In Michaelmas Term, 1714, Government (such I believe is the word of entry) dined with the Society. In Commons, wine 6l. At the same time there appears a charge for bonfires, *and also in 1706.* In Easter Term, 1715, gentlemen to appear in their gowns on circuit. This is the only order extant, to recommend or enforce such change. In that memorable moment of floating opinions, 1782, when every similitude with England was hoped for or expected, a provision to such effect was looked for.—The late lamented Chief *Baron Burgh*, and the Secretary of State, *Hely Hutchinson*, were zealous for the adoption ; each had (I well remember) a long conversation with me upon the subject. The reader will not be surpris'd that I knew no Irish precedent, when neither the *eloquent and ambitious Burgh*, nor the *accomplished and inquisitive Hutchinson*, mentioned the above entry ; for in addition to their personal wishes, they merely added, that to their certain knowledge

knowledge the alteration would be agreeable to a *great personage*, whose wish it was that the *Irish Bar* should resemble the *English Body* in every respect—a sentiment fit to be engraven upon his tomb, and meriting *perpetual remembrance among Irishmen*.

In Trinity Term, 1715, Reverend Charles Carr, appointed Chaplain. In Easter Term, 1716, Charles Baldwin, Deputy Keeper of the Records, to pay rent, or remove the Records, and give up the possession for the use of the Society, to whom it belongs. This preparatory step to *distress* or *ejectment* probably led to that fixture by a new building in the Castle. Mr. Addison was at that time Keeper of the Records in this kingdom, and seconded, or originated the improved plan; for that amiable man's conduct, as keeper of Irish Records, corresponded with previous character; and as official correctness has so rarely affected Ireland, merits additional remembrance or respect. Mr. Chetham, about the year 1668, collected these valuable materials, though it may be doubtful whether such exist at present; at all events, proper research is requisite, and ought to awaken the wisdom of Government, or rouse the integrity of Parliament; nor can I anticipate so mean an opinion of my countrymen, as to suppose them indifferent to a subject which must have an unerring tendency to purify Law, protect property, and exalt the national character.

After the decease of Mr. Chetham, neglect, disorder, and embezzlement, affected these precious remains;

remains ; but the friend of Somers understood, and valued public freedom too well not to fix, in order and a decent garb, its firmest foundation. Thus, Mr. Addison left his own inimitable works to confirm the growing virtue of Irish youth, and secured legal muniments, or public records, with the same honest design.

In the year 1720, *Commons week* is so mentioned, as if there was but one week of that sort in each Term. However, I believe that Commons continued through the whole Term, but that a Member's attendance *for one week* was sufficient to excuse him from the assessment of *Cast or Absent Commons*. In Hilary Term, 1721, Duke of Grafton, L. Lieutenant, signs as a Bencher, yet no entry of his admission appears. Thus, irregularly are the entries of the Society arranged, or preserved, by the occasional *carelessness, corruption, or ignorance of Under Treasurers*, whilst principals from rank and weighty business neglected the duty. In Hilary Term, 1726, Robert Jocelyn was appointed to the new created office of *Third Serjeant at Law*. Trinity Term, 1726, Hugh Archbishop of Armagh, one of the Lords Justices, was admitted a Bencher. This justifies my mention of that prelate as a Member ; no Fellow of the King's Inns ever seemed to feel a greater thirst for *patronage or power*. In November, 1727, the orders of 12th June, 1683, and 19th May, 1698, for *five years* attendance at an English Inn of Court, are renewed, and to have future force. The time spent in England was seldom for a shorter

shorter period. No *legal or political Quixote* had, at that time, the hardihood to propose introductory study in this country, though by degrees the Statute was considered fulfilled by *two years*, which at last became the *settled, but mischievous practice*. H. Term, 1732—3, *John Smith*, an English Barrister, was admitted to the Irish Bar, on evidence that he was called to the English Bar without any Certificate. I believe a proposal that he should become a *Student* would shock the Lawyers of both countries. In moving from one Inn of Court to another in England, no such scenery appears, and subsists here only by a late decision, for I know that the gentleman alluded to upon that occasion did not pay as a Student, nor do I think he ought. Mr. Caldbeck told me, *he did not*, whose motive for such conduct will best appear in the third part of this Work; but I have the account of that Term now before me—the *sum is not charged*; possibly it may be suspected that Mr. Cook, the Under Treasurer, *received and embezzled it*. That young gentleman had it not in his power—the *Principal* was too wise and wary—no *Butler, Porter, or Extern*, could mistake Mr. Cook for a *King's Inns Governor*—he never indulged the presumption, nor could meet any Member so giddy or profligate as to second the impudent attempt; *payments* were rarely made by him, and never, I believe, in his own name. This properly appertains to the third part of the Work, but is inserted here for two reasons—to reinstate, *in proper rank*, the memory of an honest and unassuming young man—and that the public may know in what manner bu-

business was, at that time, transacted. Written proofs and personal observation will enable me (God willing) to make the transactions of the last seventeen years, *not merely History*, but, in point of authenticity, *legal matter of record*. On Lord George Sackville's election in 1734, the three Lords Justices attended. In 1721, four shillings, and not five shillings, were fixed (we have seen) for Cast Commons; but in 1734, without any assigned reason, 18s. 6d. appears the annual charge. In 1736, James Gledstanes wanted a *Term*, which was dispensed with, *at the request of Judge Gore*. This was, I suppose, from the five years attendance, for it would be *judicial perjury* to dispense with *two years*, pursuant to *Henry's and Elisabeth's Statute*. About this time Lord Palmerstown, (Chief Remembrancer) and Sir Compton Domville, (Clerk of the Crown and Hanaper) act as Benchers, though no entry of their admission has met my eye. In 1728, Mr. Rowan, a Fellow of the King's Inns, and also of the *University of Dublin*, applied for a Professorship of the Law of Nations, without any salary but what may arise from pupils. Even on such a plan the privilege was not granted; also the bounty of Sir Patrick Dunn was so jobbed, as to prevent Dublin from becoming a *great school of physic*. In 1728, a fire, which consumed his house on the *Inn's-Quay*, was supposed to originate in a wish to conceal domestic embezzlement, so contagious was the site, *or to speak more intelligibly*, so general the system of jobbing. Until that pernicious habit is beaten down, or becomes unpopular, Ireland will not enjoy the full benefit of
her

her situation. As such is my fixed opinion, I profess it a principal motive for compiling or explaining *King's Inns Rules*, and marking their *origin, object, and end*. Similar zeal shall animate further progress in a subject upon which I cannot possibly have a personal interest, except as far as it must concern the honor of Ireland, or welfare of its inhabitants.

“ Nil actum reputans, si quid superesset agendum.”

END OF THE SECOND PART.

ERRATA.

- Page 4, line 19—for *Common*, read *Canon Law*.
Page 66, line 3—for *Ano*, read *Anno*.
Page 197, line 8—for *dispersing*, read *dispensing*.
Page 208, line 9—read *forth*, instead of *for*.
Page 249, line 17—for *use*, read *novelty*.
Page 322, line 5—insert *in*, after *situation*.
Page 330, line 12—insert *from*, after *copied*.
Same page, last line but one, read *or any charge for them was*.
Page 349, line 12—for *But*, read *Yet*.
Page 365, line 22—for *Balances*, read *Balance is*.

To be had at the PRINTER'S hereof,

Price *Half-a-Crown*,

KING'S INNS REMEMBRANCES ;

OR,

An Account of IRISH JUDGES on the Revival of the KING'S
INNS SOCIETY, in 1607,

By B. T. DUHIGG, Esq.

Also to be had at the same Place,

Price 1s. 1d.

Mr. DUHIGG's Letter to Mr. ABBOT, (the present
Speaker) on the Assimilation of ENGLISH and
IRISH LAW, and the Preservation of IRISH
RECORDS.

PART III.

FROM THE DEATH OF LORD CHANCELLOR BOWES,

IN 1767,

TO MICHAELMAS TERM, 1806.

Hoc occultum, intestinum, domesticum malum, non modo
existit, verum etiam opprimit rempublicam.

Cicero.

There is a time when men will not suffer bad things because
their ancestors have suffered worse. There is a time when the
hoary head of inveterate abuse will neither draw reverence, nor
obtain respect.

Burke's Speech upon Economical Reform.

A COTEMPORARY writer ought to substitute accurate detail for extensive research, and indulge fellow-subjects with freedom of opinion, by condensing into proper brevity his own. If this happy medium be preserved, the Work will become more intelligible, and avoid the extremes of prolixity or barrenness.

The legal body resembles its particular professional system in calm or enlightened periods, an hereditary sameness contributes to symmetry, and commentators uphold established Government with a

zele and integrity equal to what animates divines in defence of scripture. Revived civilisation, or encroaching despotism, are displayed in violent and fanciful variations, by which mankind must be moulded to the general purposes of ambitious or designing leaders.

Irish History strongly illustrates the preceding principles. Another leading feature of national position presents itself to our view. The untarnished English code was withheld by a lust for conquest, or perverted from religious rancour in preceding periods. An union of both mischiefs seemed to affect that æra which succeeded the reign of William III. The inhabitants enjoyed a pure civil Government without fixed political freedom, or an acknowledged equality of rights with the sister kingdom; by this means Irish legal Students received professional improvement from English Judges and Law Books, useful indeed, as an engine for shrewd argument, or instrument of promotion, but little consonant to the legal policy and judicial practice of Ireland. A departure from personal virtue and pure patriotism was superadded to imputed craft or mercenary habits, if they aspired to senatorial eminence or judicial station.

The general imbecility of Judges afforded no incentive to unite correct practice with extensive theory, and blend both to the use of clients, or the permanent improvement of Statute Law; yet parliamentary situation was necessary to attain or divide professional promotion with the imported natives of England.

England. Here was no rivalry of genius, nor dignified competition; men of second-rate talents seemed the pre-destined brethren of Irish placemen, equally confined in their views of Religion, Policy, or Law. This degraded fixture of the Senate and Bench infected the Four Courts, and guided Barristers in personal pursuits. One class despaired to derive from Government the slightest encouragement; religious connexion or descent ensured such exclusion, and the other class would not be confided in by litigants under *the Popery Laws*, a dreadful species of suit, which was principally carried on between relations, and upheld by perjury or fraud. Nothing could partially correct the preceding singular evil, except an apparent zeal in the proscribed party to existing Government, and a presumed abhorrence in the courtly tribe to the penal code. General professional hypocrisy was engendered and confirmed by this useful craft.

Amid such degraded scenery, a few enlightened individuals, by superior talents and unblemished integrity, vindicated national character. These men fanned the generous flame of freedom, and to an history, crowded with warlike exploits, added animating examples of political skill, and legal talent. The existing Constitution of Ireland counteracted the progress of improvement, and resembled, though from an opposite cause, the exploded system. If the legal code became unpurified or unimproved from the rare assemblage of Parliament, by the Stu-

arts, it ran a similar risk from the lengthened continuance under the House of Hanover.

The long reign of George II. deadened national ambition, whilst English exertion exhibited the lustre and benefit of a limited senatorial establishment. Hence an added gloom pervaded the public mind in 1761. If thirty-three years marked the existence of the late Parliament, an half century was anticipated as the duration of the new. Just affection for a patriot King strengthened this political sentiment by its becoming a general national wish. Thus, an æra of British pride and glory encreased the discontent of reflecting Irishmen, who justly considered a general election not the resurrection, but *grave of public freedom*. Ireland stood in the preceding situation in 1767, during *which memorable year* the Senate of each kingdom, and the British Cabinet, sanctioned *two laws*, which have been the fruitful parents of every subsequent revolution which has affected the British Empire, or, by its potent influence, the Continent of Europe.

Let us now, with firm impartial temper, review such immediate influence on the Constitution of Ireland, and its legal professors, especially as the latter have powerfully contributed to alter and improve the former, whilst by an unaccountable fatality they overlooked, or subverted, the internal management and constitutional position of the King's Inns.

James

James Hewitt, fourth Justice of the English Court of King's Bench, was appointed to succeed Lord Bowes as Chancellor of Ireland, and took his seat in Hilary Term, 1768. The reader will perceive that I am approaching my own period of time, by giving an authenticated account of Lord Lifford's promotion, which rests upon the authority of his son, my late friend, Judge Hewitt.

When Mr. Pitt became Prime Minister and Earl of Chatham, the express announcing that important event, and his own elevation to the Great Seal, reached Lord Camden whilst in a court of justice. Having adjourned with all possible expedition, he called Serjeant Hewitt to his lodgings, and offered that gentleman the Judge's place which was to be vacated by Wilmot's succeeding him as Chief Justice. Hewitt hesitated at accepting the proffered kindness, observing, that a parliamentary situation might be useful in the promotion of sons—a profitable market, which must be closed by the position of a Common Law Judge, whose seclusion from political pursuits or connexions forbid (according to English usage) any family promotion. He, however, added, that the Chancellor of Ireland was upwards of seventy, and if his Lordship's friendship guarantied that office, the place of puisne Judge would be taken as an intermediate step to the expected elevation.

Camden replied with prompt and manly friendship, that if in office, he might rely upon it, or the
Great

Great Seal of Britain would be open to his ambition. Events corresponded nearly with the foregoing assertion, for Solicitor General Willes had interest of the highest rank, and would have been appointed, did not Camden declare, that in such an event he must resign. This well-timed threat had its full effect; the Irish Great Seal was given to Hewitt, and Willes consigned as a puisne Judge for further improvement to *Mansfield and Yates*. The preceding arrangement of men, alike distinguished for mildness of manners and mediocrity of talent, gave official situation to the *immortal Dunning*; a Barrister, who united to the most perfect professional powers, transcendant parliamentary talent, and will be admired by latest posterity as the reputed *Author of Junius*, and *friend of Sir William Jones*.

Lord Lifford was elected a Benchet, and in Easter Term, 1768, his Lordship was pleased, at the request of the Society, to accept the office of Treasurer, to *continue until further order*. The new Chancellor did not imitate his successor, or a few of his predecessors, in attempting to guide the State machinery of this kingdom; such presumption would not be tolerated by the Viceroy, nor leading parliamentary interests; besides, Chancery gave him sufficient employment. That nobleman never practised in an Equity Court, nor received a solid classic education, whence he might extract those literary powers, which render profound legal research a matter of real amusement, and enable Barristers to unravel and retain Law's subtlest intricacies with
electric

electric rapidity and philosophic strength. His humble ambition was confined to judicial and technical accuracy, which useful attainment, combined with patience, politeness, and untainted integrity, highly entitled that amiable man to public esteem. When the line of particular station was rendered familiar or intelligible, Lord Lifford's skill, as a common Lawyer, gave strength and lustre to many decisions.

English and Irish equity is not the wild licence of enlightened discretion; it is collateral to, and not variant from, Common Law; in many instances controlled by precedents as uniform and stable. However, its corrective principle is more extensive in an application of proofs, concurrent jurisdictions, or maxims from different codes, to the full and final attainment of justice; which united talent renders an accurate and complete knowledge of Common Law ancillary to every benefit Equity can assume or afford. The political movements of State did not originate with Lord Lifford; that wavering and slippery fame rested on different shoulders, whilst his necessary subservience to existing administration was overlooked or forgot in acknowledged purity of judicial character—a blessing truly merited by Irishmen, from the hereditary attachment and reverence which they bear to such quality.

The Octennial Bill was enacted soon after his arrival, and received applause not ill-suited to its importance, but unjustly applied to the Cabinet, which
entrapped

entrapped itself by a design to render the leading interests of Ireland unpopular, should they reject this great national measure, or adopt alterations *under Poyning's Law*. The latter were sanctified to the immediate dissolution of Parliament, at the close of the Session. A resident Viceroy then commenced a regular attack upon the great resident connexions, that the Irish Senate may become immediately dependant upon English Ministers, without any intervening control. The Cabinet formed in 1766, soon terminated its unprincipled career, whereby Lord Lifford was left in office an insulated placeman, in a strange country, rather obnoxious from known attachment to his patron, and merely permitted to exercise judicial duty, but without any authority to circulate or support any self-created political or religious opinion. This humble, but useful drudgery, still further corrected personal defects, and enabled him to exchange the doubtful character of a statesman, for more appropriate and permanent fame.

So averse was this amiable man to innovation, that King's Inns abeyance never provoked his solicitude or care. Legislative principles, protective of commercial integrity, parliamentary purity, and national interests, met his concurrence and support. The Bankrupt Law was enacted, Mr. Grenville's election system transferred to this country, and a foundation laid for public offices, and the preservation of records, within the capital. It is rather surprising, that no agitator of subsequent alterations suggested to his Lordship the propriety of attending

to the Bench Order of the 3d of June, 1763, or to demand a report thereon. Thus, a plan of proper buildings, with an estimate of their expence, might precede taxation, and the legal body re-assume ancient position correspondent to the judgment of *the Tudors or Stuarts*, with the full approbation of a *patriot Prince*, and *enlightened community*. His Lordship's mild and unassuming manners would, *to my personal knowledge*, ensure a patient hearing and ready reception of any measure, provided it did not entrench upon his pecuniary interest. As to official or state patronage, a domestic Parliament gave to its Members an unconnected and exclusive claim. The Chancellor's utmost hope, in that line, was to obtain for his son, at an early period, a seat on the Irish Bench. My intimacy with that son, and with Lord Lifford, ascertains this singular fact.

Variation of patronage marks courtly or cabinet manners in each kingdom, at different periods, and forms a leading feature in well-authenticated history. A Chancellor of Great Britain appointed his Lordship to the Irish Great Seal, and Lord Hardwicke successfully seconded two friends in such pursuit; one, whilst he was in office, and another, after his resignation; but in no preceding instance was such interference suspected or avowed. *Ellesmere and Bacon* confined their ambition to inferior stations. The Bankruptcy Bill, however, added to the Irish Chancellor's official income and patronage, over which appointments the usual weight of party hung with *Hibernian effect*, and exhibited a motley mixture

ture of professional talents, or successful ignorance, The antiquities of Ireland, doubtful or authentic, were pursued by lettered men of different professions. A respectable and indefatigable Attorney took the lead in legal research, and even chose his Lordship as a patron. An experienced soldier assumed a similar line, but the King's Inns was doomed to imperious darkness; of such evil effect is the appointment of a Chancellor, in either kingdom, destitute of lettered taste, however accomplished he may be in personal manners, or even judicial accuracy.

The gradual progress of the Octennial Bill began fully to develop itself in the new Parliament of 1776. The struggles of the preceding seven years expanded and encouraged political exertion; such quality was also highly appreciated by public fame or personal profit. In a country whose representation referred more to private property than popular feeling, such arrangement was long and anxiously pursued; which gave to this pernicious internal commerce, an extensive and extravagant advance. The American war commenced about this period;—its solemn discussion led to an immediate review of the Irish Constitution, whence an evident proof arose, that the British war party avowed a right of taxation over this country, and upheld the consistency of transatlantic pretensions by this undisguised claim.

The restrictions on Irish trade operated as a financial gangrene, which weakened the sources whence taxation should flow; but time rendered national servitude

fervitude familiar, besides its horrid extent was veiled by a legislative mantle from ordinary view. A collateral grievance arose from the preceding position, and exhibited in a luminous point *its origin, extent, and appropriate cure*. A military defence was withdrawn, and the nation left exposed to external attack, or internal convulsion. This transient evil produced permanent good; the habitual courage of Irishmen was roused into action—military associations covered the land. Under such array they assumed civil wisdom, and were thereby enabled to distinguish the English Constitution from its degraded Irish image,

Loyalty assumed undisguised and irresistible strength. A zeal for freedom and attachment to monarchy moved in social contact, and exhibited Ireland with unexampled dignity to surrounding nations. Even a venal Parliament felt the pressure of public opinion; self-elected Senators, selected by purchase, seceded from ordinary habits, and by a dignified apostacy, became the *express image of the nation*. Members of the King's Inns still upheld their hereditary ascendancy as to the affairs of Ireland, and leading members of that profession acquired a powerful influence over the Chancellor. As Treasurer of the King's Inns he became their passive instrument,

The following order was entered on the 12th of February, 1779: "That gentlemen should have their names in an English Inn of Court for five years,

years, and should keep eight Terms Common therein before admission." Such wholesome rules were recognised and enforced in Ireland under the reign of the Stuarts, and confirmed by similar resolutions since the accession of the House of Brunswick. As this is the first entry ancillary to the call of Irish Barristers engrafted on this part of the King's Inns History, I shall not distract the reader from immediate attention thereto by collateral criticism, but compress the singular and important subject within as much conciseness as is consistent with clearness, that the legal body and their fellow-subjects may calmly determine how far existing variations are useful, and to what extent the ancient establishment should be revived, or well-considered improvements be further applied.

On the 12th June, 1683, it had been resolved, "That no Barrister should be called without attending Commons for five years in an English Inn of Court, and during such time to have been each Term in Commons, and to have performed all due exercises during that time, *unless a Barrister there called*, and that this Order be set up in the screen of this hall, and in the Four Courts, the first day at least, or longer, every Term hereafter." Most of the entries corresponded with such close attendance, and the certificates ascertain the different exercises, whether commuted for money, or performed in the ancient literary way. The few published tracts of our early law writers form a complete commentary to the preceding useful design, and such ancient records as it
has

has been in my power to review, exhibit an indelible memorial of judicial accuracy and talent. The first legal characters of England filled stations in this country, and ascertained their judgment and liberality by doing justice to Irish Judges and Barristers. In later times, and factious or corrupt periods, mean persons attained high stations, and seemed to justify, as by precedent, similar promotions.

The Revolution purified, in England, this alarming change, and separated Judges from that class of placemen whom parliamentary interest may create or confirm. Ireland, however, felt an opposite effect;—senatorial situation superseded every other claim; yet immediately after that great event the preceding caution was revived on the 19th day of May, 1698, and a relaxation from its full execution imputed to the late troubles, which variation the Judges wisely add, may be *prejudicial in time to come*. In 1727, this *ancient, and nearly prescriptive order*, was re-affirmed, and *rescued from desuetude*. Thus, from the most early legal establishment, English Inns were the exclusive seminaries for Irish Students, which circumstance, far from weakening native freedom, rendered it impregnable by a connexion with unadulterated English Law. It is true, two periods, ominous to Irish prosperity, present a claim for a native Inn of Law; even such proposers have an excuse which cannot be offered by our cotemporaries. The horrors of civil war, and an apprehension of threatened punishment suggested the baneful principle

ple under a prospective hope of separation between the two kingdoms.

We have already seen interest overbearing the regular attendance at English Inns, and gentlemen absolved from a complete compliance, provided the Statute was literally adhered to. In this manner *two years*, or *eight Terms* Commons only were required, whilst twelve were necessary for an English call, with an entry of five years, if the party had not taken an university degree. But no respect was paid to Dublin University by the Irish Bench in the rule of 1779; nor *twelve Terms Commons at an English Inn exacted*. It is remarkable, that Chief Baron Burgh, and Earl Clare, never produced a certificate of eight Terms actual Commons, but were screened from that defect even under the eye of Lord Lifford. I have heard of similar indulgences since the memorable establishment of Students in this kingdom—private friendship smoothed the way—an intelligent fiat was given—the official Cerberus was silent, and the parties think it no *legal misprision* to profit by, and conceal this fraud upon the King's Inns. Authentic anecdote thus forcibly illustrates the intended effect of fanciful or despotic restraints, which have been chiefly directed to extend patronage, or satiate avarice under the specious mask of lettered improvement, or national independence.

From 1779 to 1782, Ireland became an awful and interesting spectacle. An armed nation and united people baffled the speculations of policy, or
influence

influence of corruption. In the foremost rank, and with an activity suited to their talents, stood the Lawyers Corps. Under an affected masque of equality and public spirit, crafty individuals were spurred on by interest and ambition to manage and controul it. Such, however, was the learning and sagacity of that learned body, that projected improvements could alone effect their design. An assimilation of independent English and Irish establishments was the leading feature of that day. This country must become a miniature of the sister kingdom without sufficiently adverting to the origin, object, or effect of each. Every position which did not assume an original air, appeared disgusting, and external tyranny met a suitable return in an intended subversion of every enactment flowing from such source.

The Session of 1781, commenced and continued with an indirect rejection, or remote postponement of all popular motions, whilst authentic correspondence assures us, that the Irish Cabinet recommended a prompt compliance with national demands. Similar duplicity marked the leaders of opposition, whose measures could only meet popular support in an acknowledged usefulness, or ministerial countenance, from correspondence with ancient habits. Legal improvement was the favourite topic, and its professors equally admired for the rare union of courage, integrity, and learning. Thus, an unremitted care of future Members flattered every branch of the community. So little was the King's Inns Society understood at that period as to its *origin, object, or*
connexion

connexion with England, that I freely acquit all parties from any evil design, much less full forethought of the tremendous consequences which have already resulted, or are likely to encrease from this *disloyal innovation*, and destructive spirit of reform.

An array of Irish legal Students disseminated an active and intrepid association through the realm—youth, rank, and learning, knit them to the community by the tenderest ties—a new attendance was superadded, irresistibly flattering to national pride. If Irish independence was withheld for a longer period than the struggle with America continued, national spirit would effect this important change—that *Irishmen were not bound by Henry's or Elisabeth's Statute*. The legal link would be thus dissolved; or if a schism arose, irresistible popularity would attach to the supporters of innovation, and domestic Law become a favourite manufacture. Thus, by the *neglect or ignorance* of ministerial men, an unforeseen instrument was added of national disunion or discontent. This memorable instance fully proves, that every movement of legislation should be attended to or scrutinised; for an apparently harmless measure presented a double aspect, equally improper, and alien from the Irish Constitution, whether it tended to secure the management of legal Students, or to prepare the public mind for a severance of its Inn of Court from England. The usefulness of a collateral position widely differed from a seminary of original legal education; such effects cannot be doubted, from subsequent attempts, and the known
impression

impression which such novel institution has made upon honest unsuspecting loyalty.

The season of its enactment was too stormy not to bury in concealment or oblivion inferior measures. Thus, the joint wisdom of both countries is partially vindicated; America engaged British attention, whilst Irishmen, determined to perish or be free, disdained to scrutinise, with proper severity, any measure which did not immediately look to political settlement and legal reform. A Statute was brought in by the Law Officers of the Crown, and some Barristers in opposition, which affected to provide that persons should not in future be called to the Irish Bar without proper qualifications; as if the accumulated wisdom of ages should yield to the transient impulse of presumption. The reader may prepare himself for legislative situation by the falsehood of the preceding paragraph. The Irish Bar was never in a more exalted state of merited popularity, or professional learning.

Let us calmly review the professed improvement:—the Statute ordains, that persons must be five years entered in an English Inn of Court, and obliged to attend twelve Terms between such Society and the King's Inns, previous to admission to the Irish Bar. No legislative interference was necessary for that enlargement, as far as related to English attendance. Such regulation was enforced from the earliest æra, and formed part of the personal instructions to successive Viceroy;—a complete

English education seemed so necessary a link in the connexion of both countries, and such a firm prop of Irish loyalty and justice. It is true, indolence or partiality unaccountably relaxed that salutary provision; and equally remarkable, that almost every person concerned in framing that Bill, passed through this modern screen into the profession; an event which a sense of personal talent, or the sincerity of self-love, would prevent the parties alluded to from considering an evil, which demanded statutable correction.

There lurked, however, a principle which neither Irish Law nor practice would warrant, or a wise government in either island sanction or support. The intended innovation required a legislative enactment, as it was variant from ancient usage, and superadded to Tudor's Law. Political craft rendered it also indispensable to blend the exceptionable matter with harmless or unnecessary resolves, in order to prevent detection or defeat; a practice frequently adopted in popular assemblies, but peculiarly prevalent in the Irish Senate. In the *preceding ominous manner* a Student's connexion with the King's Inns was introduced in *union or opposition* to the English Inns of Court.

The Irish Society, from its foundation, received gentlemen entituled to practice, but did not affect to qualify persons for the profession; such only became Members when enabled by attendance in England to demand a call to the Irish Bar: with equal correctness,

nels, *Attornies when sworn*; their preceding admission and instruction, as apprentices, having been wisely left to the ancient and immemorial management of professional masters, as their subsequent conduct should be to the sole and constitutional control of the Judges. By the singular movement of our day, an Attorney may be brought before the Bench, and acquitted by the Judges in whose Court he is a Practicer; yet be condemned in opposition thereto by persons not authorised nor guided by an official oath to dispense justice or right therein. However, four Terms were to be attended by Students in Dublin, and their names entered in the Treasurer's book, with the payment of one guinea for each Term.

The mode was as curious as the vicious novelty which introduced it. No Commons were prepared or intended to be given; no attention to the business of the Four Courts recommended or required. A personal appearance before the Steward was sufficient, with the indispensable fee of a guinea. Thus, any full grown apprentice may pass muster, as a substitute; or if the Student attended, he was very early initiated in that system of fiction, for which the legal profession has been famed. The Bill met, in its passage through the House of Commons, an important, but unnecessary improvement;—a clause was added, assimilating the privileges of a Dublin degree, to what has for ages attached in an English Inn of Court to a Member of Oxford and Cambridge, and which has been extended by English

Benchers with dignified liberality to the Irish University.

The uselessness of that Statute appears by an acknowledged authority in the King's Inns to fix a time of attendance in London, and to temper such regulation with a suitable preference and respect for university education. The mischief of parliamentary interference to force a previous entry in Ireland was very obvious; a principle became thereby admitted, which silently tended to sever the constitutional connexion of this country with England. The legal education of Irishmen in London gave prescriptive strength to our common union. An opposite principle began to gain ground, and it was suitable to the prevalent spirit of that time to extend Irish attendance, and declare, *that no entry at an English Inn of Court was necessary*. Henry's Statute required *a residence in an English Inn of Court*, and was satisfied therewith. Its spirit was, however, not merely reflected upon, but in one important instance directly repealed.

The most eminent English Practicer could not, as heretofore, be called to the Irish Bar without a previous entry as a Student of the King's Inns; he must even, under the subsequent charter, submit as a mooted pupil in our *new legal academy*, ere acknowledged talents or practiced learning could enable the *harassed veteran* to *bolt* or indulge in *pervises* at the Irish Bar. A private writer may hesitate at commenting upon existing acts, though settled
silence

silence must be subversive of general freedom ; but the preceding Statute has been purged from the Temple of Legislation, yet, by a singular pertinacity, transient King's Inns rulers have confirmed what legislative wisdom has condescended to repeal, and proved their settled neglect of classic taste or collegiate establishment, by an abrogation of the privilege annexed to a Dublin degree.

It has been necessary to discuss and criticise the principles, object, and effect of that ill-considered law, as its condemnation may prevent an interference upon a partial or confined view of a legal subject, and justify Government in a vigilant opposition to rules variant from the wisdom of ages, or the established habits of both countries. Such attempts may not always proceed from an appetite for power, or party spirit, but they inevitably lead to *corruption, embezzlement, and private jobbing* ; which practices taint the manners, and degrade the characters of seniors in the profession, and encourage, by evil example, a similar disposition through the rising generation, even to remotest posterity. Lawyers have ridiculed Game Laws, as framed by sportsmen destitute of professional skill ; and naval heroes, fearless of foes or waves, shudder at a legal trade wind. But ease and uniformity can second legislative provisions, if interested innovation meets wholesome delay, and plainness of language in each Statute supersedes hypocrisy of design. Many mischievous constructions and precipitate explanations flow from legislative vanity ; but when Lawyers indulge the
vice,

vice, Parliament feels a fault at head quarters, which no secondary talents can cure.

Public spirit requires a revival of primitive legal rules: let professional Senators then first consider a *new Statute*, as the subject stands at *Common Law*; calmly reflect upon *the remedy* which that system applies, and extend or circumscribe *projected improvement* as best corresponds with *temporary convenience* and *general justice*. There could be no Law in which the innocence of the framers more strongly counteracted any apparent personal or political guilt. I was intimate with them all, and cannot be considered a flatterer in affirming, that such was *their jealousy or detestation of each other*, as not to agree in any matter which did not appear *generally just, or obviously insignificant*. Were the proposed measure confined to an Hall, Library, and Chapel, it would meet every approbation which could result from integrity or good sense, and receive from the Government and Parliament unanimous encouragement and support. With a view to this plausible pretence, and an apparent confinement to a dining-hall, a stamp of five pounds was affixed to the call of each person to the Bar, and the admission of a Student from Easter Term, 1782. Though the Irish Revolution at that awful moment led to every future movement of our times, and Laws or Lawyers openly guided, or silently conducted the interesting scenes; a particular account of their body precludes that close, correct, and general review, which the importance of Irish exertion seems entitled to at that tremendous crisis.

crisis. An apparent unanimity accompanied the most systematic hypocrisy ;—the English Cabinet and Irish Parliament were undoubted misrepresentatives of their respective nations. The sister kingdom did not cordially consent, nor this country sincerely believe, that legal chains or commercial monopoly were finally resigned. The temporary benefit was, however, usurped by the legal body in Ireland, and uncommon rank and emolument secured to ignorant or unprincipled individuals at an heavy and unexampled expence to the country.

We see, about this time, the first attempt to regulate Attornies in their approach to profession, by a King's Inns order ; for *on the 11th of May, 1782*, Clerks to be admitted Attornies must write Court and Text hand. I find no fault with the preceding regulation ; as a Judge, I would recommend or enforce it ; as an Examiner, attend to and obey it ; and if the father of an apprentice, applaud the integrity and wisdom of its proposers.—Yet from a fatality attending Irish institutions, many matters, right in themselves, are liable to censure from the mode of introduction. What had the *Benchers to do with the practice or learning of Attornies* ? Did even their own partial or contradictory archives furnish a single selfish or presumptuous precedent to justify the *fly innovation*.

The artful and studied confusion of blending what Judges ought to do, as such, with their character as honorary guardians of a voluntary association,

tion, was the concealed design. Thus, resembling the morality of an inquisition, and the settled craft of a papal cabinet, in whose records harmless precepts or useful doctrines are casually entered to justify or strengthen subsequent self-interest and tyranny. Amid the shiftings of internal administration, or pressure of external dominion, *King's Inns innovation* has preserved a *steady and unaltered step*; for on the 8th July, 1783, “a person memorialling for a call, must set forth his *parents' names, their additions, abode, occupation, and religion, their own course of education, and former occupation of life, (if they followed any)* and also their standing in England.” This order, so minute and extensive in its object of enquiry, exceeded any precedent in the English Inns, but was well calculated to create and confirm an internal party system.

From the accession of James I. very few adventurers approached the Irish Bar, and in earlier times men of the most respectable descent, or ample property, exclusively filled that station. Where the irresistible impulse of genius animated well educated men, of narrow means, to encounter this great difficulty, their original good conduct corresponded with final success. It was therefore unwise to add new obstructions to the approach of such persons, though extremely natural to find, that this spirit of exclusion met support from that quarter.

The state of society was so completely changed from the death of Elisabeth, that the order of James I. to

I. to English Inns of Court fell into becoming defu-
etude. That Monarch, in the first year of his reign,
commanded that none should be admitted as Stu-
dents, but *gentlemen of descent*, until his pleasure
were known. In compliance with the Royal man-
date, each Society ordered, "That the name be
first put into the Pension Roll, and delayed until the
next Term, if he were fit." Time co-operated
with common sense in smothering the fanciful novel-
ty of a lettered Prince; professional talent was sub-
stituted for heraldic vanity, and Law permitted to
run a collateral career with physic or divinity. Thus,
men of mean descent, or laborious younger bro-
thers, form the advance guard of legal dignity and
science; a preclusion of such would deprive the Stu-
dent of Saunders's elaborate pleadings, and accu-
rate reports—the state of Somers's virtuous talents,
and private friendship or public charity, feel no aid
from Clarke's gratitude and bounty.

Had the order assumed the spirit of an *ex post facto* Law, and existing Members been called to ac-
count for falsifying public records, an hostile party
among the Benchers may not accept it as a sufficient
apology from the sons of *obscure persons*, that they
entered English Inns as the sons of *Esquires*, merely
because their fathers were not *gentlemen*. The Irish
order went to an unnecessary length, and favoured
more of curiosity than use.

That portion of youth who are emphatically called
natural children, were thus obliged to authenticate
their

their own illegitimacy, run the risque of future expulsion by subscribing a known falshood, or be precluded from that professional career to which brilliant talents and persevering industry inevitably lead. Let not the reader imagine that I am arguing upon an extreme possible case, though legislative provisions or well-considered Bench rules ought to provide for such. The grievance has frequently happened, and severely afflicted both parent and child.—Its first instance affected the expected heir of a large fortune—such person was naturally protected by the *Chancellor and Treasurer*. I was *apparently consulted* for advice upon the occasion, as they well knew that it could not escape my notice. The precedent thus established, was enforced on every subsequent occasion, which came to my knowledge. I thus converted the decision of particular partiality, into an instrument of general liberality, and the mother's name altogether suppressed, does not preclude admission.

About this time, three Judges were added to the Common Law Courts, and as two died in Autumn of 1783, five persons together mounted the judicial seat—a number only to be equalled in modern time by the arrangement which took place immediately after the union. A symmetry with the exterior forms of English Government was speciously held out, and in most instances became a veil for extensive and increased patronage. Twelve Judges thus graced annual Sessions, and aided by legal accuracy the active energies of an Irish peerage. That august body compensated for a long abeyance by an
interference

interference on appeals more minute and particular than what distinguishes their British brethren. The five pound stamp formed an impediment to further improvement; an useful arrear was thereby accumulated in the hands of the noble Treasurer, who need not seriously apprehend the claim of an account—*Judges or leading Barristers would not be so uncivil.* Thus, a beneficial debt accrued, on which his Lordship might traffic, *like an Executor*, without paying interest; and finally, *as the event proved*, succeed thereto as a Legatee.

Inferior Receivers profited by this anticipated spoil—no regular entries were kept, whereby a subsequent mischief attached to the Society and innocent Students. Even in 1786, when the foundation of New Four Courts was laid in the centre of the public offices, no idea occurred of an *Hall, Chapel, and Library*; but the season was not ripe for successful despotism or jobbing. Englishmen, like *Liford* or *Rutland*, would borrow the light from our sister kingdom, and not counteract its genius or wisdom. King's Inns innovation was thus delayed, until the Chancellor's death dissolved official union. This interesting event opened to one person a prospect of the Great Seal, and to others, equally ambitious, the humbler view of guiding the profession, and managing its internal concerns.

The reader must now prepare for revolutionary scenes, in the formation of which little attention was paid to public spirit, or legal precedent. No allusion

allusion will henceforward be made to the general state of the country, or its movements; legal variations or King's Inns concerns shall occupy the succeeding pages. Existing vanity or departed vice are alike intitled to abhorrence and oblivion; whilst facts, too recent for *doubt or denial*, press forward to purify *Liberty and Law*, by rousing *Prince and People* to *their amendment or repeal*. My personal interest meets support in their extent or continuance, besides, every tyrant or sycophant among the legal tribe will execrate me for interrupting *favourite principles, or interested pursuits*. I can thus apply the language of an irritated Roman patriot, to oppressed cotemporaries: “*Multa me Dehortantur a vobis amici, ni Studium patriæ superet, nam illa quidem piget dicere, his annis quindecim quam ludibrio fueritis superbiæ paucorum, ita quam quisque pessime fecit, tam maxime tutus fuit, metum a seclere suo ad ignaviam vestram transtulere, quos omnes, eadem cupere, eadem Metuere in unum coegit, quod si vos tam libertatis curam haberetis, quam illi ad dominationem accensi sunt; profecto neque Regis hospitium sicuti nunc vastaretur, & beneficia vestra penes optimos, non audacissimos forent, certe ego libertatem, quæ mihi tradita est, experiar, verum id frustra, an ob rem faciam, in vestra manu situm est.*” It was obvious, that if a Treasurer was not appointed during the vacancy of the Great Seal, matters would move in the preceding manner, and the new Chancellor occupy the vacant office. With becoming promptitude and judgment, it was declared, on the 23d May, 1789, forthwith expedient to proceed to the election of a Treasurer; it was

also ordered, "That the Treasurer, for the time being, do lay before the Society, on the first day of every issuable Term, an account of the receipts, disbursements, and balance due to this Society, remaining in his hands." "That said balance be paid into the Bank of Ireland, on account of this Society." "That it is expedient to appoint a Committee to inspect the Treasurer's account on the first day of every issuable Term." "That William Caldbeck, Esq. be elected Treasurer for one year, ending the last day of Easter Term next." Such were the preparatory steps which led to most important events; the several resolves seemed protective of official purity, and professional decorum. If practical integrity be equal to presumed talent, a stormy or turbulent period renders such history extremely interesting, as posterity must look thereto for honest and enlightened precedents.

The activity of this new administration was for a some time checked, from a want of pecuniary resources to exercise its genius for innovation or expenditure. Students on entry, and Barristers at their call, paid a stamp of 5l. each to the Society. The ancient fine of Barristers on admission was 2l. 13s. 4d.; and each Attorney, 13s. 4d. In the succeeding Session, the preceding *stamp duty* was doubled. This, with the sum of 1527l. due at the Stamp Office, and received by the new Treasurer, formed a new and increasing fund. The succeeding Term gave a regular determination to Mr. Caldbeck's official situation, and strongly bound his particular friends, by personal honor and public spirit,

to enforce its just observance. That principle abandoned, every impudent pretension, on their part, to the preceding manly qualities is completely done away.

Historians must, however, take mankind according to their conduct, and impartially dispense censure, or applause. The motive of revival already commences to appear, and will enable the reader to judge with proportioned precision as to succeeding events. It is a merited compliment to the general class of Benchers, that they were unapprised of the projected schemes, and therefore unsolicitous of the vacant situation. On this subject innovators were perfectly silent; several gentlemen, then present, assured me, that they had no forethought of the subsequent profit attached to the office of Treasurer. Such assertion can meet the more easy credit, as the magnitude and variety of the design required incessant cunning to arrange, mature, and bring to perfection, a circumstance which renders the description of its progress a matter of professional interest, and national benefit.

But it is the first effort of historic use and importance to adjust the Treasurer's accounts, and do equal justice to him and the Society, by a timely discharge of the balance. An honest and intelligent reader would suppose such matters so regularly arranged, as to occasion little delay or trouble; but there always exists a studied confusion in dishonest accounts, which proves that public jobbing requires detection

detection and disgrace, before protected party feels a blush, or personal plunder yields to national interest. Britain exercises this powerful principle with a spirit congenial to the integrity of its Government, and the hereditary patriotism of enlightened inhabitants.

Irish administration, generally adverse to the interest of the country, encouraged a different conduct in their degraded dependants; even extorted improvements are thereby rendered *narrow, partial, and incomplete*. Thus, the effects of the South Sea Scheme corrected in English courts what a similar necessity introduced into Ireland sixty years after. With us, reform reluctantly extends to the peccant part, whereas in England a particular useful principle becomes an universal operative rule.

Lord Lifford filled the office for twenty-one years; even avarice was sufficient to awaken his curiosity, by that singular appointment, as to the difference in many Irish plans from English practice. No man knew better the value of money, or the progressive power of interest.

Let us now see the acknowledged receipt; next review the allowed expenditure; and lastly, record what remains unaccounted for, and undischarged. Balance of Lord Bowes's account was 1608l. 17s. 10d.—Received from John Robinson in Easter, 1768, 129l.—Admission of Benchers, 168l. 13s. 4d.—Of Barristers, 1360l. of which latter persons one hundred

hundred and ninety-six paid a stamp duty of 5*l.* each, on admission to the Bar.—One hundred and eighty-four Students admission fees, 490*l.* 13*s.* 4*d.* with a 5*l.* stamp on each, amounting to 920*l.*—Composition for one hundred and eighty-one termly Commons, at 4*l.* 11*s.* each, 823*l.* 11*s.*—Eleven hundred and forty-seven Attornies, whose admission fees amounted to 764*l.* 13*s.* 4*d.*—Rents received to 1788, inclusive, 2164*l.* 13*s.* 2*d.*—Materials of old houses sold, 187*l.* 13*s.* 3*d.*; making in the whole the sum of 8597*l.* 15*s.* 3*d.* The discharge of the preceding account received every interruption which could arise from evasion, subtraction, and delay; nor was it until two years and an half after his Lordship's death, that a final settlement and balance was struck; for I find, on the 29th of November, 1791, that a King's Inns Committee allowed for the Treasurer's expenditure on behalf of the Society, 388*l.* 0*s.* 8*d.* and pronounced the remaining debt 4040*l.* 16*s.* 3*hd.*

Which balance was paid over to the Treasurer in Hilary Term, 1792, and is acknowledged in the printed account, by an entry of the following *remarkable import*: “The Treasurer having had much trouble in searching the books of the Society, and other documents, to form and establish a charge against the representatives of the late Treasurer, and to state and settle the accounts of the Society for upwards of twenty years, and a balance of 4040*l.* 16*s.* 3*hd.* appearing on the account due to the Society, and being paid over to the Treasurer, he is, in
consideration

consideration of such trouble allowed upon his account, a sum of 202l. being at the rate of one shilling in the pound on said sum received." If such was the prompt pecuniary reward of official duty, the reader may indulge me with the cheaper tribute of approbation for disinterested accuracy, and more extensive research. 659l. 15s. was deducted from the termly composition for Commons, on an allegation that the remainder had not been received. Students, or their friends, are generally very eager to prevent pecuniary defaults from obstructing professional pursuits. My mind would be easier satisfied that Students did not regularly appear each Term, than that the fee was forgot, or unpaid in a gross sum, on the party's admission to the Bar.

Irregular or concealed accounts can be quietly liquidated by an admission of singular or incredible neglects. Under such defalcations, or allowances, the account was finally settled; but one material remark remains: the rents received in his Lordship's time are said to be 2164l. 13s.; but the old annual rents of the Society appear to be 420l. 9s. 6d. by which that nobleman received from April 1768, to April 1789, on that head, 8809l. 19s. 6d. by which means a fair and clear debt of six thousand pounds, and upwards, remained unsatisfied. Thus, the ancient mismanagement or frauds upon our Society are closed. If respect for the dead prevented a legal suit, or national alarm, should not some regard be had to cotemporaries, or unoffending posterity, in subsequent innovating practices.

It is a melancholy truth, that this part of the History will exhibit a fable tissue of deeds which it must be my wish to bury in oblivion, but that feelings of *loyalty and patriotism* claim the discussion. Personal honor equally exacts similar exertions from each reader, and particularly such persons as unite, with competent power, correspondent wishes for the public good. The reader will conceive that I have armed him with two apposite precedents, in the cases of Bowes and Lifford, to enforce an annual appointment, and regular statement of accounts, by *King's Inns Treasurers*; and also, that private Members are the properest persons to fill such offices, as being destitute of sufficient weight to screen mal-practice, or of vanity to claim professional patronage. My opinion on the preceding alarming facts may be conceived by every honest man. I will, *for the honor of human nature*, hope that their Lordships looked no further than the use of the Society's money, without any view to *defalcation or plunder*. The event, however, afforded an irresistible argument to a *wise, learned, and honest body*, to hold a different hand with *succeeding Treasurers*, particularly where *projected improvements and new taxes* rendered a *regular and extensive expenditure* useful or necessary.

As to Lord Lifford's legal, political, and personal character, I was pleased, in my commentary on Reily's case, to declare him a magistrate distinguished for benevolence of heart, amiableness of manners, unrivalled patience, and profound legal knowledge. His avarice was known, but drew upon him no suspicion

picion of judicial corruption. As I am convinced of his purity upon that head, and doubtful of any deliberate design to defraud the King's Inns, let his Lordship's memory be graced by the testimony of an independent man; whilst minions, parasites, and flatterers, to my certain knowledge, never penned a paragraph to sustain his mild and honest name.

As a glaring symptom of succeeding jobs, and preconcerted malversation, the Treasurer hung in office, without re-appointment or removal, until Hilary Term, 1791, when he was confirmed, in despite of existing rules, until further order. Cromwell was thus solicited to continue military command for one campaign, which that sanctified patriot not only kindly complied with, but superadded thereto civil authority, and with suitable public spirit retained both for the remainder of his life. General established principles should not depend upon particular appointments; therefore the Bench stood pledged to recent rules, protective of *integrity, order, and æconomy*. Yet that grave body neglected an inspection of accounts, though several issuable Terms elapsed; it also overlooked a payment of the balance into the Bank of Ireland. Government Securities were productive, but the house of a private person could not be a safe situation for the property of a public Society, and particularly when there was no correct evidence to authenticate its identity or amount. Accumulating income and undefined position attended official appointment; power only was

wanting to extend party influence, and confirm new established strength.

No censure stains the King's Inns Rolls, except in the well known case of Sir John Everard. But that base resolve reflects equal dishonor on an unprincipled Viceroy, and subservient tools, which scandal has been confirmed by their revoking the act, in compliance with his imperious mandate. Examples, popular in themselves, and certainly unexceptionable, must lead to an useful latitude, and sanctify projected tyranny by correct precedents; for though the instances may be unnecessary, the principle must lead to recognise and establish new-fangled authority. Two unfortunate Attornies had been guilty of perjury, and suffered the legal penalties attached to conviction, one of which was an immediate disqualification from professional practice. There was, therefore, no added necessity for excluding such men from a voluntary Society of gentlemen; their evidence would be as soon admitted in a court of justice, as their presence tolerated by Irish Barristers or Attornies. In that instance prerogative itself would be stayed; for though, in our time, a pillored perjurer has, by the effect of a royal pardon, (as to its subsequent effects) asserted his right to sit in the English Senate, more difficulty may occur in a presumed association with a self-created legal society.

King's Inns Rolls were, however, disgraced with a nominal expulsion; which act, for the preceding reasons,

reasons, our unassuming predecessors would consider as an ebullition of legal surplufage. Two other Members were also treated in a fimilar manner: One gentleman had been called to the Englifh Bar, but it having been represented, that an indictment for perjury lay againft him in this kingdom, and that having entered into a recognifance with fureties to ftand his trial, the recognifance became, for want of attendance, eftreated. The Englifh Benchers, with professional accuracy, and correspondent integrity, received an official document from Ireland, and bottomed fubfequent proceedings thereon. Personal notice was ferved upon the party; he even appeared by Attorney upon the appointed day, denied the truth of the charges, and prayed time to produce evidence to difprove the fame. It was, however, moft properly ruled, “ That no fuch partial difcuffion fhould be admitted, and as the default was neither denied nor accounted for, his call to the Bar was vacated, and a copy of faid order tranfmitted to the Chancellor, Mafter of the Rolls, and the twelve Judges at Weftminfter.”

This procribed perfon had not been for many years refident in Ireland, and feemed equally banifhed by perfonal circumftances, and imputed crime. The reader may therefore feel furprife at a name, *thus civilly dead*, being erafed from our Society. If the foregoing reasons do not fatisfy him, I will illuftrate the principle, by the practice of a celebrated body, which exceeds the Irifh Bench in an oftentatious profeflion of *Chriftian morality*, and
well-

well-tempered justice. The tribunal of inquisition was determined not to rest its authority on the decisions of other courts, or weaken an holy zeal by such a vulgar appeal. Its first trials had a reference to the dead; and as convictions were neither attended with the confiscation of real or personal property, surviving relations, and the people at large, held themselves uninterested in the event. By this torpor principles were adopted, and maxims became prevalent, variant from *the civil, or even canon law*, which however formed settled precedents, and were exercised with unbending energy, and to an unbounded extent, to torture and destroy the living.

The charge against the preceding person was quickly brought forward. Not satisfied with the domestic record, the Society expended money in obtaining copies of what orders or papers were determined upon in England. His long absence being well known, the Dublin Gazette contained a notice for attendance upon a given day. The party concerned did not probably expect an official situation, therefore might be in the habit of reading that obscure, but important national paper: as was foreseen, on the appointed day he neither appeared in person, or by Attorney. Here existed added room for caution in the Benchers;—they had no better authority for the fact than the Irish record or English resolution. Did they state either to justify the decision? No such thing. Thus, from premises unauthenticated or unproduced, an honorable and appropriate principle accidentally resulted. However,

ever, neither the record nor decision is mentioned as the cause of expulsion. The party may have gone abroad with a full intention to stand trial, and be arrested for debt, with a continuance in imprisonment, as happened in the well-known case of an English Duke, and was visible in the same year by the return of an *Irish Earl*, after a similar restraint of *twenty years*. I am far from supposing the censure inflicted without a thorough conviction on the mind of every voter as to the truth of the fact; but Bench decisions should correspond in accuracy and precision with their presumed integrity and independence. However, an historic detail demands an union of useful principles with recorded events.

The second expulsion related to the native of a sister country, who became a legal adventurer in this. He laboured under a suspicion of bigamy, and had no stronger proof of recorded innocence to shew, than that he was acquitted from a charge of being a principal in poisoning a fellow-prisoner. With such recommendations to popular influence and personal respect, he met the judgment of his profession for the following fact: An appeal to the House of Lords was signed by him; he had not been concerned in the cause in the court below; it was therefore a direct contempt against that tribunal, and merited from the Members an adequate punishment; to them also, of right, belonged the censure; I even conceive it an insult upon that noble body for the King's Inns to take a lead or interfere therein; it may not be, however, so unnecessary to establish

establish such a precedent in that house, as in our Society. The matter was therefore taken in *transitu*, and the unhappy man called to answer the complaint. He attended; pleaded ignorance of the rule, its reason, or effects, which his Judges no doubt relied upon; for the judicial disorders of the *House of Lords*, and the central part of *Coke Littleton*, were most probably *equally unknown* to him. He pledged himself to perpetual banishment, and only deprecated the public disgrace, as barring to his future industry every possible avenue of life. Expulsion ensued, and a regular amputation was given to an already mortified Member.

The reader can form a ready conclusion how far previous character operated to swell into a legal attainder the matter under review; and whether the House of Lords, *as men of conscience, honor, and humanity*, would affix to a professional error such a severe and irrevocable stigma. The preceding decisions merit as perpetual remembrance, as the motives leading thereto; they prove, that in the flattering dawn of absolute power and party zeal, the most rigorous and minute enquiry could not find more numerous victims. The three first seemed already severed from the profession, by public punishment or imputed crime; and the latter laboured under the joint malady of personal infamy and professional ignorance. The great, but masked object of men who considered themselves leaders in the Society, and wished to be incircled by venal or voluntary vassals, was seconded by the preceding singular cases.

A con-

A concealed, unsworn, and irresponsible mode of voting may enable malignant individuals, or a confederated faction, to erect themselves into a court of criminal equity, "which, by a liberal construction in the ascertainment of presumed offences, and a discretionary mode in their punishment, would deal vengeance to personal or political foes."

As fixed wealth by encreased duty, and confirmed power by crafty research, seemed in happy union to bless the institution, its concealed Cabinet was determined to give to the revived novelty a corporate air and form. There was some difficulty in the enterprize, which would arrest the progress of less interested or presumptuous characters. English Inns of Court never accepted nor assumed such a privilege. The King's Inns Society was an acknowledged emanation from the original stock; its Members continued a portion of that body, which had no intercourse with the nation, or each other, but what was founded on personal and professional honor; nor with Government, save in accepting the bounty of the Crown, and adapting the benefit to common protection and use. From sound legal reason Parliament conceived a Statute necessary to vest the ground, whether for improvement or transfer, in certain officers of the court and their successors. But a seal was an innocent bauble, which required neither heraldic skill to emblazon, nor classic talent to record. A *new* unauthenticated device was framed, which enabled servile hypocrisy to blend apparent

rent gratitude to departed greatness, with profitable praise of existing power.

The Society had now continued ten years upon the plan suggested by the ill-considered Statute of 1782, and no visible internal use resulted from the adoption, whilst it presented, to a reflecting mind, an approaching severance of legal education in the inhabitants of each island. Hitherto young Barristers and Students alone were affected, and that in a slight pecuniary manner, which did not attract the general notice of the profession. The assumption of a corporate character gave no internal strength, and excited no external alarm. The dealings of the Society were confined to the Members or Officers of its own body; but legal authority was necessary to effect a system of tyranny and terror, as ancillary to schemes of corruption and jobbing. A charter was therefore obtained from the Crown, and confirmed by Act of Parliament. The Royal disposition to protect and encourage useful plans, tending to give permanence or dignity to legal establishments, was acknowledged and revered. The reader will therefore naturally presume, that *calmness, mutual communication, and mature reflection*, animated every branch of Practicers to frame a model suited to the general interest of cotemporaries, and the lasting benefit of posterity.

Can it, therefore, create more surprise than indignation, that neither the *Utter Bar, nor Attornies*, were acquainted with the design which so materially affected

affected their personal independence, and what must be equally dear to honest and brave minds—the purity of law, and the pride of national character. That blended body was treated like those shadowy beings which start into form to fortify legal fiction, and give antiquated maxims effect. Yet it was not difficult to persuade wise men to follow their proper interest, or approve a public spirited system which would benefit that country of which they were an acknowledged ornament and support.

The charter, thus surreptitiously obtained, professed to be sought by the Professors of Law, and calculated to reform abuses, which had no existence but in the schemes of selfish innovators. The Society was thereby created a corporation, and its constitution entirely changed. The Chancellor and Judges were to be visitors; and if that trust was discharged with firmness and integrity, an ample field for jurisdiction was likely to occur. The remaining Benchers were to be the immediate Governors, and enabled to supply occasional vacancies. These respectable persons solicited and succeeded in an attainment of legal authority to make *rules, orders, and assessments*, upon the whole body of *Barristers, Students, and Attornies*, by *fines, forfeitures, suspension, or expulsion*. Power, thus extensive, becomes doubly dangerous in the hands of equals. The legal profession would insensibly assume the manners of persons oppressed by civil or religious despotism. *Silence, mystery, and reserve*, must throw additional gloom over every countenance; persons unconnected with the

Society

Society could not consider it in a different point of view. With what firmness could business be practised, pursued, or perfected; or legal reports be occasionally criticised, and possibly with justice condemned.

The benefit to the ministers of such authority, in a professional point of view, is obvious, and would secure to the most confirmed practising blockhead, no insignificant quantum of second-rate business, whilst Judges indulged an absolute dominion or control. From the acts of Benchers there lay an appeal to the visitors, but so limited in *point of time*, and vague in *mode of enactment*, as to render almost illusory every exertion of their justice or integrity, however blessed with either. But what redress could be seriously expected from men who clandestinely solicited, and obstinately adhered to power thus obtained. It affords a lively specimen of legislative art and activity, when the reader is confidently informed, that several Benchers, who were Members of Parliament, disavowed any knowledge of the Charter, or Statute. And other Barristers, invested with a similar character, gave a determined opposition to the innovation; thus, proclaiming with irresistible energy, their entire ignorance of that proceeding.

Meetings were instantly convened, and each profession resisted its continuance with *vigour, integrity, and talent*. The Utter Bar presented a memorial upon the subject to each of the Benchers, which it
was

was certainly much easier to disapprove, than answer. That solemn act describes their unanimous sense with such *temper, judgment, and moderation*, as to render its re-publication a conclusive criticism upon a Charter and confirming Statute, which were equally fraught with *treachery to the profession, insult to the nation, and disrespect to Majesty*: “ We, the Members of the Utter Bar, desirous that our motives for declining to accept the Charter, purporting to have been granted to the Professors of the Law by his present Majesty, may not be misconceived or misrepresented, have thought fit to submit the following reasons for our so doing: “ To the Right Honourable and Honourable the Benchers of the Ancient Society of King’s Inns.

“ We object to the said Charter, because, in its recital, it calumniates the Society by false imputations, of encouragement and increase of barratry and strife; of neglect of the study and practice of the Law; and of irregularities disadvantageous and discreditable to the profession, and detrimental and injurious to the public:

“ Because, the recitals allege, as a colour for the grant, that the Professors of the Common Law have been a Society immemorially enjoying franchises, which implies a corporation; whereas, it appears to us, that the Society has been a voluntary association, and this, it should seem, was done with the view that an arbitrary interference might bear the semblance of a mere act of regulation:

“ Because,

“ Because, the Charter professes to have been granted at the desire and instance of the Society in general; whereas it was privately solicited and obtained by a few unauthorised individuals, without the general consent or knowledge of the Society, or, as far as we can learn, of any of its constituent parts :

“ Because, the Charter commits the government of the Society irrevocably, and by Law, to a small body, arbitrarily appointed without the consent of the governed, and vacancies in that body are to be filled up by its own Members; a mode of appointment notoriously tending to introduce, encourage, and perpetuate mal-administration :

“ Because, the Charter purports to create an arbitrary power of imposing unlimited fines, and of inflicting unascertained punishments, for undefined offences:

“ Because, the Charter introduces an intermediate body, of less competency than the Society at large, and of less ostensibility and responsibility than the Judges, on which it confers the power. In the first instance—of censure or fine, with consequent imprisonment, suspension, and expulsion:

“ Because, while the Charter confers those despotic powers, of creating and punishing offences, it prescribes no constitutional or just mode of trial, as to the fact of their commission; but unites all the
powers

powers which the justice and prudence of our constitution, and of all free governments, anxiously separate:

“ Because, the powers, which the Charter confers on the Benchers, are peculiarly dangerous to men engaged in the same pursuits with themselves, and may be productive of collusive practices, dishonourable to the profession of the Law, and injurious to the public:

“ Because, the mischief that may result from the abuse of those formidable powers vested in the Benchers, is not sufficiently guarded against by the *institution of Visitors*, (even if that institution could, under any circumstances, be adequate to such a purpose) it not being mandatory on the Visitors, but discretionary in them to hear complaints, and redress grievances; and the Benchers having it in their power, by critically timing their proceedings, to render morally impracticable a deliberate investigation, or an effectual redress by the Visitors:

“ Because, the Charter purports to transfer from the body at large to a few, the whole property of the Society; and to vest in them, irrevocably, and by Law, the absolute disposal thereof:

“ Because, the Charter invests certain individuals of the Society with a power of taxation, not resulting from bye laws, consented to by the body, but unconstitutionally granted directly by the Crown;
and

and this, we conceive, is not rendered less unconstitutional, or less grievous, by the Statute purporting to confirm the Charter :

“ Because, there is just reason to apprehend, from some expressions in the Charter, that *useless, burthen-some, and obsolete exercises*, distinctions, and institutions will be introduced, which would conduce to the ridicule and disgrace of the profession of the Law in this kingdom, and may be employed as the means of favouring some individuals, and of persecuting and oppressing others :

“ Because, the Charter points at duties which, in similar societies in England, have fallen into disuse, or have been retained only to be commuted for fines : and which seem calculated for the increase of revenue, rather than for the advancement of learning :

“ Because, the Statute of 1782, which gave a preference to academic degrees, being now repealed, and nothing adequate substituted in its place ; the Charter makes no provision whatsoever, for a liberal education, preparatory to the study of the Law, which must prove highly injurious to the reputation, dignity, and integrity of the future Bar :

“ Because, the whole system introduced by the Charter, affords, by its patronage, its arbitrary principles, and the means of oppression which it furnishes, an opportunity of establishing an undue influence

fluence over the Members of the Society, tending to control them not only professionally as such, but also civilly, and politically, as members of the community at large :

“ Because, the Charter holds out a temptation and means to the persons vested with authority under it, to promote and screen speculation, and to introduce and maintain a system of corrupt jobbing.”

The materials of the preceding memorial furnish principles pregnant with obvious use, and perpetual benefit to human society under every possible variety of government. Thus, the flippant forwardness of interested tyranny provokes profound reflexions of extensive learning, and enlightened patriotism. To the pedantry of Salmasius, Englishmen owe an additional piece of classic latinity by Milton. Filmer's folly gave existence to a Sydney and a Locke, and the unlettered barbarity of *Jefferyes*, *Scroggs*, and *Wythens*, animated to a defence of the English Constitution an *Hawles*, an *Holt*, and a *Somers*.

A period of nine months, however, elapsed with a prospect of national abhorrence, and even Parliamentary defeat, before the *guilty framers* would consent to vacate the Charter, or silently acquiesce in the repeal of that obnoxious Statute, which confirmed it. During that solemn suspense the genius of despotism was busily employed in forging chains to strengthen its tottering throne. This base system was not even reserved for subsequent or general con-

fideration; it was agreed to by the Bench, as a draft of bye laws relative to the admission of Barristers, senior and junior Readers, and for the better government of the Society.

That *grave and learned body* even ordered them to be printed for the public good, and a fair copy to be laid by the Treasurer before the Visitors for their approbation. No entry of visitorial concurrence appears, which may be accounted for by the pending conference between the Benchers, Utter Bar, and Attornies, about the Charter and its confirming Statute. But their previous sollicitation and support of each renders a doubt upon that point remote and improbable; besides, we are *gravely told*, that one great authority among *the Visitors* declared, that the *Pervise*, upon prosecuting feigned actions to judgment, should be the exercise of Barristers for the first three years. Thus, if a degraded profession could continue to produce men of talent, that precious quality must be exhausted in mean mummary, or illiberal pedantry, for a considerable portion of human life.

This scheme cost the authors no inconsiderable trouble; it was extracted partly from antiquated usages of English Inns, and monkish observances in Spanish convents. The principles of each were, however, overcharged; so that the abrogated folly of the former, and the settled hypocrisy of the latter, shone through this legal mosaic. An atonement, however, remained for the classic research in the anticipation

ticipation of that absolute power which awaited its success. Thirty-eight persons were to govern legal Practicers with firm and unlimited sway. The first obvious abuse of such authority was likely to be exerted against cotemporaries, who must naturally feel impatient at the galling yoke of professional equals, and successful time-servers. *Dignified rebels* and *virtuous mutineers* were to be punished with fines, plundered by forfeiture, insulted by suspension, buried in imprisonment, or honored with expulsion, from a Society no longer worthy the association of honest and independent men.

Exclusive of the zeal with which framers generally uphold innocent innovation, assumed power gives a settled malignity to tyrants, and will lead them or their abettors to fortify intended oppression by slander, perjury, and every artful malevolence. Mankind are therefore wiser and more secure in adapting rules to counteract the vicious habits of our nature, than in looking for a remedy in idle hopes or extravagant wishes.

The reader must naturally expect that I will conduct him through this eccentric maze into the profession. Each Student on admission was immediately to choose from the Barristers a private tutor to aid his elementary study, and prepare him for such public examinations as the Bench would, from time to time, appoint.

Thus, the legal profession was metamorphosed into a degraded corps of *impressed ushers*. Under servitude, so *singular, solemn, and severe*, what a short period would extinguish an Hibernian claim to Roman spirit, or to attic wit! The proverbial pedantry of a pedagogue would soon infect individuals, and unite arrogance to pupils, with servile hypocrisy to despotic governors, and the Irish Bar be no longer respected for gentlemanly manners, professional purity, or calm courage, the graceful guardian of each. If such was the fixed station of the hapless Barrister, what must be the movement of his hopeful pupil? At the close of four Terms (if approved by the Bench) he was admitted to the class of Mootmen. A similar probation, for an equal period, entitled him to a testatum of his ancienty, and a recommendation to an English Inn of Court. The Student may then, African like, feel that he trod the *soil of Liberty and Law*, which Irish *Bolts, Pervises, or Moots*, would not give him any peculiar aptitude to understand. If family feelings or pecuniary necessity restrained him from settling in that famous country, whose excellent government grants an equal protection to the stranger, or the slave, as to its native subjects, our youthful Mootman must recollect the parting mandate of his imperious masters.

The Courts of King's Bench or Common Pleas must be attended with clerk-like care, and certificates to that effect obtained from their respective Prothonotaries. Cases may, in our time, be easily acquired,

acquired, by a proper news-paper selection in sufficient strength to control the correction, and withstand the criticism of an Irish Bench. *Chancery and the Exchequer* are impliedly prohibited, by no attention being paid to cases reported from thence, or certificates from their officers. Yet their Court of Exchequer may be employed (*as ours is at present*) in a discussion on the writ of *Habeas Corpus*, in which a new subject may deeply interest the generous feelings of youth, and animate future improvement by a display of eloquence equal to what has reached our time from the wreck of Græcian or Roman literature. These preliminaries adjusted, a new domestic ordeal must succeed, in which close curiosity and political party would take a lead. If an approbation from the Bench attended him, he must be sent to the tribunal of Visitors,

The reader quickly perceives the difference between this intended call, and that practiced in England. The Judges there cannot prevent admission to the Bar. This corresponds with legal principles, and is upheld by British integrity; for it is contrary to the nature of visitorial power to *originate acts*; it may in that manner become a party in *novelty*, and confirm *the interested or accidental error by absolute power*. What renders the Irish regulation more criminal is, that it was introduced under a specious air of improvement, and yet materially differed from the liberal principles of English Inns. The subsequent rank of Barristers hung on the arbitrary fiat of Benchers; a position which, in proportion to talent,

lent, leads to income, and secures, even to dullness, vanity or wealth.

The station of junior Reader must flow from Bench indulgence. Thus, the usual habit of professional precedence was obstructed, and Nature itself proclaimed stationary; whilst innocent persons, bending under its weight, stood exposed to malignant sneers, or unjust suspicions from presumed personal delinquency, or professional ignorance. A superadded and singular impediment was opposed to further progress; no junior Reader could enter that senior class, except three of his pupils were certified by the Bench as fit for study in an English Inn of Court. Thus, by an unexampled precedent, a scholar's idleness, or hebetude, checked a master's lettered promotion. A malignant blockhead may easily avenge his hatred to literature and its interpreters, though the tutor were as virtuous and enlightened as Quinctilian, Buchanan, or Blackstone.

This expected scale of promotion opened a perspective to the rank of Benchers, and to which candidates, trained by the preceding discipline, must have the *irresistible claims of servitude and hypocrisy*. In this election voters are directed by a parade of morality similar to what *Dominicans* preach to the Court of Inquisition, *previous to an Auto De Fe*. Candidates are deterred from any direct or indirect solicitation in the pursuit. It is not, however, ascertained in what manner, whether public or private, nor before which tribunal of Benchers or Visitors,

sitors, the doubtful election was to be determined. The reader will probably be more attached to a free and mixed Constitution, with all its imputed errors, when he finds that despotic innovations are neither systematic nor precise. It may be hoped, that Barristers previously called, would escape the ridicule or disgrace of the preceding subserviency.

Hear, however, the energetic language of the Bench cabinet upon that head: "*Whereas it is fitting, that every benefit and advantage of the present system and ordinances should extend to all who have heretofore been admitted to the Bar.*" Gentlemen of three years standing may therefore, by *reading*, attain the junior rank; and persons of eight years standing, or upwards, in a similar manner move into the senior class. Without such exhibition, a *Selden*, a *Vaughan*, or a *Dunning*, (ungraced as they were with silk gowns) would remain in a merited position of *personal pupillage*, and *professional minority*. An honest or spirited reader must feel strong disgust at the minute discussion of a system so anomalous to English Learning, Liberty, and Law. Let him, however, remember, that greater variations arose between the legal system and Practicers of both countries from the year 1789 to 1800, than in the whole period of time since *their original connexion*. Besides, the regulations passed the Bench, and have been only suspended as to their entire extent, from want of legislative authority to enforce them.

Nor

Nor has the system become partially abortive without a serious concern on some countenances, and an obstinate wish for their re-enactment, or voluntary revival. Leaving such persons to a canvass upon that head, the reader shall now be informed how Attornies have been treated by these boasted innovations; They escaped the insult of public degrading forms, but private and substantial dominion was exercised over them. Without any suitable cause, or legal right, and certainly for no wise national purpose, or correct professional arrangement, the ordinary privilege assumed by the poorest tradesmen has been denied to these *ancient legal officers*; even the English Parliament, extending an humane protection to the forlorn apprentices of sweeps, did not dispense similar severity to their *sooty masters*. Men of respectable rank, and undisputed integrity, are not allowed to take apprentices without leave of the Bench; and what is more singular, this principle is still upheld in despite of the declared opinion of King and Parliament. Thus, Attornies upon every such application, tremble for their character, lest a secret wound may be inflicted from *caprice, corruption, or resentment*; to which Practicers may give rise from a faithful attention to the interest of clients, in the distribution of professional business, or execution of legal process.

The refusal of an apprentice to the master soon becomes public, which impression cannot be removed by a proper enquiry or trial, as would be the case, were the Judges of any court to exercise a similar discretion,

discretion. To that body such power of right belongs; with them it continued for ages, and thither, in conformity to English practice, and the general legal system of Europe, the authority should return. The change also commenced at an inauspicious period. In no preceding age was that useful body composed of persons more eminent for capacity, integrity, public spirit, and personal honor. A distinguished proof of this general professional character has been exhibited to public view; they have even associated to preserve becoming purity among their brethren, and in case of delinquency, to exercise the same self-created and original power, immemorially exerted by the Bar. Nor was this state of Attornies unknown to the framers of the Charter, Statute, or New Rules. However, a system of arbitrary taxation required a settlement of usurped power for its continuance and support.

Such an indulgence is not more repugnant to the principles of English Law, than to the most obvious rules of honesty and common sense, and will never be created or solicited but from a fixed determination for its active exercise. The scheme may be delayed, under some false or flimsy pretence, until innovation ripens by time, and is rendered familiar to the public mind. A solemn vow of secrecy closed the crafty system, and was exacted from every Benchman, as to any man's opinion given in their councils. The legislature had branded with proper censure and punishment, a similar scheme in lower societies, and the *illuminati* were on such account odious

odious on the Continent. No alleged innocence of intention can warrant this preparatory fence. Were the framers impervious to corruption and tyranny, the principle was so pregnant with each, that no collateral caution could prevent its subsequent introduction. Inoffensive posterity must brook to this double dominion, whilst men of ardent or independent spirit would shrink from a code of servitude, and seek legal pursuits in other countries, or abandon adopted profession for more independent lines of life.

Under such circumstances Law itself could not long sustain the habitual or hereditary character in a nation of freemen. If the preceding plan portended such alarming evils to national dignity and legal independence, let it not be said, that the pernicious system has been beat down, or its guilty spirit evaporated. Unsanctioned by royal or parliamentary authority, the whole process is nearly upheld by the obstinacy of private persons. Though the Charter has been cancelled, and the accompanying Statute buried in the grave of legislation, Barristers alone have felt that partial emancipation. Attornies, Students, and even Apprentices, still wear the galling chain. The wise Laws of Henry and Elisabeth are obstructed in operation by a *simple vote of the Bench*. Under new rules, attendance at an English Inn is held insufficient for a *call to the Irish Bar*. If ministerial influence enforced such unconstitutional innovation, the mischief might provoke, and would certainly warrant parliamentary impeachment. Can it
then

then be less censurable when enforced by a body of men, presumed to possess legal knowledge, and bound from honor or oath to enforce Statute Law by precept and example.

The British Government and Parliament frequently evince their respective wisdom and integrity by a review and repeal of occasional errors. Nor is the Bench engaged to support fancied novelties with obstinacy. Few of the *existing Benchers* took an *active part therein*, and many avowed and suggested a *firm resistance to the whole design*. Even that class of the profession were bereaved of their accustomed independence, and a proof exhibited to mankind, that one broad mantle of slavery was to cover, under different forms, the entire profession. The frame of projected tyranny was imperfect, if Benchers enjoyed a secure or independent seat. It was well known how few of that respectable body gave any active support to the preceding measures, which were considered the *vacation exercises of busy, meddling men*, but who were not even suspected of planning a *system of servitude*.

An important movement ancillary to the general object was, however, introduced. The attendance of Benchers was hitherto unconstrained, and under as little control as their presumed conduct. Thus men, unconnected with the Society by frequent interference, formed the reserved guard of independence, and constituted no slight check upon the possible growth or continuance of an interested inter-
nal

nal faction. To this great end, they were protectors of the entire profession, and received a suitable return in personal respect, and general popularity. It was therefore determined to render a Benchers' official tenure disgraceful and insecure. Wilful absence for two Terms, without licence, became in itself an absolute amotion. Here was an ample latitude for fraud and partiality. Was the rule general? No such thing; an exception was made to protect persons who, even by the Charter, ought to be Visitors, and were enabled in that manner to separate themselves, without an adoption of the tyranny, or new-fangled exercises so justly exploded.

The Chancellor, or Keeper of the Great Seal, and the Common Law Judges, were exempt from the singular attack, and under no danger of removal. Thus, that grave and reverend group formed an impenetrable phalanx of *household troops*, whilst insulated Members stood exposed to a steady and well-directed fire. Though I do not oblige the reader to halt at every irregular step, yet one gross omission in the Charter (were it otherwise unexceptionable) must strike his eye.—That *great and ancient Law officer*, the Master of the Rolls, was totally omitted. It is no answer to say, that the practical corruption of Irish Government made it a kind of hereditary sinecure; nor that in the year 1792, two respectable noblemen jointly filled that office, whose position in society rendered them more capable to serve their Sovereign in the cabinet or the field, than
to

to dispense Law, or correct its harshness with technical accuracy, and professional skill.

The reader may rely upon it, that the new principle was not permitted to grow obsolete. A list of defaulters was with all possible expedition entered upon the Treasurer's Rule Book. Not with more vicious activity have *hapless freemen been attainted* in absence during the reigns of *Charles or James*. Rank and talents should entitle the proscribed persons to exemption; but an independent vote, occasionally given, may create alarm in a certain quarter, and it was justly apprehended, that impartial conduct would influence honorable men. The presumed forfeiture was therefore made matter of record, which concealed instrument may be produced at a critical moment, and meet support from a venal and unprincipled majority.

About this time, the fine of Barristers and Students was raised from 2l. 13s. 4d. to 5l. 6s. 8d. each. Then also a deposit for Chambers was claimed, and enforced; twenty guineas from each Barrister, and ten guineas from each Attorney, at the time of their respective calls. The fines of the latter class was also raised from 13s. to 1l. 6s. 8d. Better than nineteen thousand pounds have been received on account of these Chambers to Trinity Term, 1803, inclusive, and as an allowance was promised in the purchase or rent of such accommodation, whenever provided, the accruing interest alone was presumed to be sunk. Many persons of each profession died in

in the intervening time, who were either bachelors, or at least whose representatives neglected to apply for the sum then withheld, apparently against the original engagement. At last a distressed widow preferred her claim. This affecting appeal forms a leading case, in which an unforeseen construction was given, and the real meaning declared to be, that the party must live until Chambers are finished, or the money becomes a forfeit.

The Society seem in the preceding instance to labour under a similar difficulty with that well-known and famous Vizier, *Cupergli*, and to support the system with equal ingenuity. The words of a Turkish law bore in favour of a merchant who mildly pressed the glaring fact; his modesty so far attracted the minister's respect, as to provoke the following reply: "You are an Englishman, and only consider the *customs of that country*. But it is our rule, never implicitly to follow the words of a law, when such construction would *injure the revenue*." Attornies apprentices were so entirely forgot, that Students preceded them by ten years. This new order of beings were now introduced, not indeed into the Society, but to the Treasurer's office, in which they were dignified by a greater fee than their masters. When thus seasoned to the new situation, further legal mysteries were imparted to them, their age and parentage ascertained and explored, and literary improvement confirmed, not by *public examination*, but *personal oath*.

The

The genius of our age can better bear a wealthy sinecure, than an honorable and unprofitable place. The Treasurer's fees were enlarged to a considerable amount, exclusive of poundage, so lately established. England was to be imitated in every point but *integrity, order, and æconomy*; therefore an Under Treasurer was engrafted upon the parent stock, and named by his principal.

“ Sic divisum imperium, Cæsar cum Jove habet.”

Whilst an office clerk arranged the principal official duties of both, and which sufficed in preceding times to uphold the Society, and preserve its untainted benefits to every legal Practicer.

The year 1793 appeared in contrast, as to King's Inns management, to the proscriptive or penal principles which influenced a portion of the legal body, and Irish Senate, in 1792. The Statute of 1782 had been repealed to make way for a tyrannic Charter, which was also abrogated in this Session; yet its singular materials have become a ground-work for the present existing rules, unsupported, as they certainly are, by prescriptive authority, analogy to English Inns of Court, or professional assent. The English Parliament still further relaxed the operation of penal laws against Roman Catholics, which precedent was thought worthy of adoption by several Irish Senators. However, the measure was scouted with furious zeal from the House of Commons; a similar spirit passed through most of the Grand Juries,

ries, who lent to a continuance of that system their weight and influence; whilst such persons as thought the proposed indulgence a wise and salutary measure, reprobated Grand Jury resolutions. Amid this alarming discord, ministerial influence proved all-powerful, and pronounced to each party, "*Thus far shalt thou go, and no further.*" A change of sentiment, equally singular and unforeseen, exhibited the Irish Parliament, as the wavering pendulum of contradictory decisions.

After an exclusion from the revolution in 1688, Roman Catholic fellow-subjects were admitted to the rank of Barristers. For better than a century acts of State, or Castle Chamber decrees, excluded them, as the Statute of Supremacy affected Practicers—only by an indirect, and possibly, overstrained construction. Superadded impediments opposed their admission after the accession of King William, and disabled ministers or kings from giving the slightest partial or temporary relief. Several gentlemen, however, occasionally qualified themselves for conveyancing, or chamber practice, and even became Members of the Inns, whereby an instant accession of *able and eminent men* was added to the *legal roll of each kingdom*.

Commons were instituted in Hilary Term of the same year; but even that revival could not be exempt from the usual fate attendant upon the Society—*partial view, precipitate engagement, and needless expenditure*. The Music Hall in Fishamble-street

was

was taken, and surrendered at a considerable loss. The Tennis Court in Townsend-street was finally fitted up; different tables were arrayed in a suitable manner for junior and senior Readers, junior and senior Mootmen, Attornies, and officers of the different Courts. These several marks were affixed to each, and the wished for distinction anticipated. When the great Charter of *legal servitude* fell, the faded emblems became useless, and the Hall assumed a less intricate division, with a more dignified appearance. After the disuse of half a century, it may be presumed that politeness would mark the planners, and novelty produce an uncommon attendance: but the establishment ceased to be popular, when the tyranny, in which it was enveloped, became visible.

An oppressive or insulting principle will meet reluctant support in an enlightened age, or among a nation of freemen; such attempt can also be put down with equal promptitude and effect. Barristers were not publicly affronted, though unbecoming and unfounded censure was directed against their opposition, as if there was no intention to enforce improper rules, or revive antiquated exercises; but that indiscriminate authority was necessary to manage Attornies, and the new Members of each profession. With this pretended view the attendance of the latter at Commons was insisted upon with great vehemence. Under the Civil Bill Act, it was thought necessary to secure (for the benefit of Suitors) Practitioners from the superior courts, where

honorable conduct and legal skill are presumed to move in social contact ; therefore, persons only were allowed to act as Attornies in such causes, who appear every issuable Term in one of the said Four Courts, and pay their Commons, and other duties, to the *Steward of the Inns*.

This paragraph of a Law, which led to such a tyrannic exertion, and baneful effect, might, under a skilful review, enlighten ignorance, and revive public principle. Commons had ceased for half a century, but the subsidiary regulation was overlooked, and no evidence held necessary of a statutable attendance by Practicers in issuable Terms. However, during the existence of a dining hall, it was not necessary to attend Commons ; *Cast Commons* supplied the place, though persons frequently preferred the trifling additional expence, which enabled them to convert a moderate tax into convivial union. The other duty consisted of a Termly Pension of sixteen-pence, a sum too trifling for professional poverty to feel, or personal avarice to revolt at.

The whole enactment was confined to one line of business, and could not be extended to persons in no manner concerned therein. It affords a dignified proof how defective our legal system is in tyrannic precedents, when ambition, lucre, and pride, could not, in extensive research, find a more apposite example. *Literary misinterpretation*, and *petulant presumption*, extracted from the preceding law a *general, ancient, and unaltered authority*, to enforce an obedient

dient muster of Attornies at dinner. Venerable age, unblemished character, and independent fortune, afforded no exception. It was solemnly, frequently, and publicly declared, that absence should not be confined to the ancient censure of *screening*; defaulters were threatened to be *forejudged* their profession. Some Judges were supposed so malleable to the purposes of innovation and interest, that it was hoped every public or political movement of Attornies would appear within their jurisdiction. Under this impression, a list of attending Commoners was made out, and handed to those Judges who were so singularly sapient as to originate or second the preceding design.

Ordinary struggles for power are conducted upon more equal terms; though intrepidity marks the attack, moderation guides the movements, as the uncertainty of success makes threatened oppression unwise. Benchers, however, treated the profession with anatomical skill. The subjects seemed incapable of motion or resistance, whilst lively vigour and unfeeling ingenuity directed the experiments. Nor has an ultimate failure produced the proper effect in either party; tyrants familiarly mix in the company of intended slaves, and with vulgar hypocrisy affect to bury malignant designs in meaner professions.

The Hall was, however, thinned by insolence and misinterpretation—an illegal and impudent attempt met just correction in general contempt. Altered manners will produce a different effect, and

correct Benchers become absolute and popular, when calm wisdom and public spirit distinguish their proceedings. The nation is (if possible) more interested in the completion of that patriot plan, than the fleeting Members of the King's Inns. Every ancient family in Ireland, even its tradesmen and peasants, are irresistibly bound to uphold the honor, protect the independence, and extend the learning of a legal body. Their kindred or descendants will shift position with the posterity of the present Practicers, and feel the comfort or pressure of those principles which it has been my laborious duty to detail and describe.

Accidental power or uncommon talents may create a great personal interest in the Society, which will as suddenly vanish, as it has imperceptibly arose; but family authority can never continue. Most probably there was not among the chartered Visitors or Benchers of 1792, a single relation or descendant of the original associates in 1607. Has not the influence of a *Clare and Clonmell* completely perished with their persons; though the one possessed more power, and the other enjoyed a larger income than ever fell to the lot of an Irish Lawyer. When a few years gather surviving veterans into the same group, the King's Inns Society will be equally ungoverned by their legal representatives. Under the impression of this acknowledged truth, Irishmen may fairly hope, that an æra of moderation, integrity, and public spirit, will succeed to a period of designing despotism, and which gave rise to the alternate distinction

nction of criminal neglect, or avowed mismanagement.

Plighted faith attached to historic duty, could alone sustain the severe drudgery of commenting upon a *system base as it was novel*. Let me now enquire, with a *temper equally calm and impartial*, into the internal management of the Society's *revived income*, and ascertain how far it has been dispensed with integrity, order, and œconomy. An opinion had been industriously circulated, that in addition to an Hall, Chapel, and Library, a square of houses, built upon a collegiate plan, would suit professional convenience. The motive for this innovation was more honest, than well considered. Such would not at this time originate in England; but celibacy is not so much the fashion of professional men in this country, as in the sister kingdom. Where that is not the case, separate situations correspond more with personal pursuits. Attornies do not practice in general concert; nor Barristers unite in study. Clients would, however, feel such an adoption a grievous curse, and be deprived of that ease and freedom which they now enjoy, by moving for legal advice to different parts of the town. This circumstance may frequently affect opulent men, but an embarrassed Suitor must endanger personal safety, and increase family distress, by abandoning well-founded legal claims.

The profession, however respectable, is carried on in this kingdom on so close a scale, that Practi-
cero

cers are generally known to each other. If such persons be resident together, clients will become equally known, and their approaches or movements carefully watched. This lasting discouragement must effectually counteract any cheapness which the well managed funds of the Society may enable Chambers to be held under. Official apartments for the Judges, in which evening or out-court business may be executed, upon a plan similar to Serjeants Inn, are already attached to the several Courts; and if the Hall had not been unfortunately severed from that neighbourhood, it may introduce and establish that useful practice. But the present situation seems to preclude that hope, and even renders such attendance at the Four Courts more useful.

This part of my subject is the more strongly dwelt upon, as projected Chambers have hung heavily upon the prosperity of the establishment, and obstructed other more important improvements. However, the personal convenience or architectural taste of a few crafty persons over-ruled all adverse observations, or even the obvious propriety of building an Hall, Chapel, and Library near the New Courts, and confining the revival to that useful establishment. The estate of the Society presented, in that position, a clear front to the Quay of 153 feet, with an ample rear for further buildings; even ground could be at that time cheaply acquired for a small surrounding square. Making full allowance for the rent now received by the Society, and the fine then paid by the tenant, a clear sum of twenty thousand pounds

pounds would have been saved, sufficient to build an Hall, Chapel, and Library, with proper professional dignity, architectural taste, and internal convenience. But the Inns-Quay ground was leased in perpetuity, possibly to smother with more complete effect, any fixture of such spot for the preceding purpose. That lease, and those executed for the ground near Henrietta-street, forcibly prove the double position then necessarily assumed by the Bench. The former was signed by the successors of those in whom the estate was vested by the Statute of 25. G. II.; the latter by the Treasurer, as if he were the known representative of a corporation.

That act was therefore illegal, and the defect well known to the lessors. The Society honorably, or in subservience to jobbing leaders, upheld the improvident bargain, and landlords, acquiring eight hundred pounds a year more than the intrinsic value, could be easily bound to a solvent tenant by a rope of sand. No Committee was authorised to review and report on the Inns-Quay ground, or to look out for a new situation. The Treasurer, however, amused himself, and two or three official confidants, with a perambulation of the city, and consulted at pleasure about the new movement. Two pieces of ground were viewed, and reported to the Bench; one called Galway's Walk, the other our present site. A little reflection might have shewn that neither was equally proper with the Society's ancient remaining estate, then in their hands, though of the two the former was infinitely more convenient, and
much

much cheaper; it had even met a precedent approbation, but a full confirmation was suspended. During this interval, and accidental delay, the ground of the Society, still unlet, may have been adopted.

On the 5th of February, 1795, the Treasurer, *possibly to defend his own conduct*, records, that previous to November, 1793, he described Galway's Walk as an healthy site, near to the Courts of Justice and public offices, with convenient avenues between them, and easy approaches to and from other parts of the town. On the 21st July, 1792, the ground at Galway's Walk was approved of, and the Treasurer ordered to purchase. It appears from the same authority, that the Treasurer was, in October, 1793, first shewn the present situation, and it is not less remarkable, that from 31st January, 1793, to the 17th of November, in the same year, there is no entry on the Treasurer's book, though several meetings necessarily intervened; a matter which proves that regularity does not mark that important volume. However, the preceding order of 25th July, 1792, was on that day impliedly revoked. The present site then came into play, without any previous notice or deliberation; a majority of attending Members ordered the Treasurer to treat for the same.

As the only benefit from this publication (if it has any) is directed to posterity, and such principles of King's Inns accuracy and management as may lead to future and permanent improvement, I am bound,
contrary

contrary to habitual temper, to review with criticism, innovations flowing from more enlightened minds; but which, with adverse observations, are calmly submitted for rejection or adoption. Whilst my mind is convinced how many of the legal profession dignify wisdom, not more by unbending integrity, than a manly disposition to correct past errors, and counteract a possible repetition; professional industry becomes a subsidiary instrument to historic research. As truth accompanies the execution, framers or advocates of ill-considered systems can shift position, and exercise similar zeal in support of simpler and more correct designs. Should these undisguised sentiments be neither felt nor respected, the reader may rely, that I regard the views of existing jobbers with philosophic indifference, or settled contempt. *Idem Vile, & idem Nolle, ea demum Summa amicitia est*: such is my confirmed opinion. It is therefore only from foes to servitude or tyranny, unpurchased friends of Irish freedom, and firm claimants or ardent admirers of English Law, that I look for approbation and support. Under such hope, I have pursued with humble industry an useful task of dullness, and will possibly render familiar or intelligible the rules of a *great national Society*, hitherto equally ancient and unknown.

In the preceding rejection of Galway's Walk, and adoption of the present site, two obvious and precipitate improprieties equally occur; no notice announced the former intent, and no precedent or honest practice could warrant the latter. It is immaterial, under
such

such glaring circumstances, to review the possible motives of individuals; they can be best explained by subsequent acts. If legal delay marked former resolves, military dispatch distinguished the latter, which led to singular movements. The event must prove to posterity, that a corrupt and unprincipled King's Inns faction inflicted on the legal Society of Ireland, with a common detriment to the British Empire, a mischief nearly as severe as what *convulsed Nature* directed against *Berytus*. The Treasurer soon disposed of the matter; and on the 14th of December, in the name of the Society, took a lease from Richard Trench, (now Earl Clancarty) as Trustee of the late Lord Mountjoy) of one part, at the annual rent of 514l. This was no small charge upon the Society; let me therefore describe the premises;

On three sides it was imperviously protected from architectural improvement; yet such was the apparent view under which it was taken. The northern side was the estate of Lord Palmerstown, and as his Lordship's title is justly secured by length of time against every claim, not resulting from prescriptive prerogative, I am the more ready to pronounce it part of the ancient estate of the King's Inns, granted to his famous ancestor, the *Master of the Rolls*, and released to his son, the then *Solicitor General*. However that ground, with an open avenue on every other side, pays at this moment fifteen guineas an acre, whilst 514l. for a similar quantity graces the King's Inns Rental. The plunder arising from this lease

lease merits added ridicule: part of the ground without Lord Mountjoy's wall is excluded from the tenure. The reader may wish to know the reason; I shall not, however, incur the judicial reproach of telling truth, but supporting it by wrong arguments. If that ground ever assumed a building air, it must be from the intended improvement.

His Lordship therefore wished to extend his adjoining ground, and enable himself to dispose of the house and land in the rear to legal Practicers or professed Builders. In truth, he would be in this manner so completely benefitted, that were the ground taken bestowed to the Society, a sufficient indemnity would arise to his Lordship. The western side consisted of houses towards Glassmainoge road; these, which must rise centuple by the intended project, it would be necessary to purchase. The eastern side was bounded by *Lord Mountjoy's house and offices*. That amiable nobleman *was as prudent as he was brave*, and predicted extravagant benefit from the King's Inns. The southern front consisted of a narrow passage from Henrietta-street to Glassmainoge road; a fit easement to enter the ground, but not as a street, square, or magnificent public building.

Justice, however, binds me to add, that an adjoining piece of ground was then in the contemplation of the Treasurer and other Benchers, and even taken by a previous concealed agreement; it thus becomes necessary to describe the circumstances with equal accuracy and minuteness. Though the present

age

age and posterity must feel surprise that the preceding agreement with Lord Mountjoy was finally concluded, before the latter, relative to the Primate's garden, was ostensibly confirmed. In Hilary Term, 1794, a Bench Rule authorised the Treasurer to treat with *a certain gentleman* for this second piece of ground, whenever he made out a proper title thereto; yet a quarter's rent is paid, in the printed accounts, from the preceding December. Thus, by an early and active mismanagement, fraud and concealment marked one bargain, and unblushing extravagance distinguished the other. 514l. annual rent was promised for a piece of ground, certainly over-rated at thirty pounds, and in itself utterly unfit for the Society's use. The adjoining lot, or Primate's garden, was also taken at 650l. *annual rent*, and leases executed in February, 1794.

Thus, 1164l. was pledged in perpetuity for the present site. Let me now state the situation, and probable value thereof:—The Primate's garden certainly had advantages, not merely in size, over Lord Mountjoy's ground almost equal to the difference of the rent; for it extended completely to Glassmainoge road; and as a few old houses fronting thereto were held on determinable leases, some improvements may be in time looked for in new buildings suited to *that avenue*. This, however, could not be an inducement for the Society's taking it, though there was nearly an insuperable bar to the propriety of treating in the first instance about ground so circumstanced. Some part of its front that way was leased
under

under clauses of *toties quoties*, which still subsist, and forbid a complete square without a purchase, now rendered, from necessity or convenience, incalculably extravagant.

The southern side was bounded by the Linen-hall, and permitted no possible open through that line. The buildings of that national institution had been even too confined, and part of the Primate's garden, at a preceding period, was by proper consent added thereto. At all events, such an important establishment merited more attention than what professional partiality could suggest in the erection of a new, and possibly unnecessary square. The improvident bargain has in that respect worked a double injury, to the Society by an heavy perpetual rent; and to the public by precluding any enlargement to the Linen-hall, correspondent to the increase of our most useful export, and the wished for superiority of that staple manufacture. The entire eastern side was bounded by the Primate's house and offices. Its only open front lay to the westward, and consisted of a possible passage, cart wide, which may be opened from Henrietta-street to Glassmainoge road.

These were the several pounds which a few active individuals acquired for the renovation of the King's Inns, and an expansion of architecture in which a *legal Dioclesian* may waste declining years, undisturbed by the *surrounding tumult of policy or profession*. Yet a still more curious circumstance accompanied this demise: the Primate had a subsisting interest and possession

possession for the term of his own life. Had that *venerable and virtuous prelate* lived to this moment, no buildings could be proceeded upon without his Grace's consent. His state of health and inclination forbad any hope of his return as a resident to Ireland, yet what reasonable man would make a proposal for an immediate surrender, and hope for compliance? The poorest tenant must conceive such an approach as an insult added to treachery. Could the principle be less provoking, or censurable, when exercised by a *learned, honorable, and opulent Society*, against a man of *high rank*, and still more *exalted virtue*. Perhaps the reader will feel surprise at the demand of such an unreasonable rent, or an acquiescence therein by a keen and economical body, and ascribe the singular bargain to preconcerted and systematic jobbing. Let me, however, soften any precipitate imputation, and suggest the greatest possible improvement which that ground could receive in a general building speculation. Irishmen can thus, with appropriate accuracy and integrity, calmly determine whether any prospective rent could afford a plausible pretence for the preceding exorbitant claim.

The only line of houses suited to the situation, and likely to produce largest income, would arise from the proprietors blending their separate interests, so as to second a common advantage. By this communion, Henrietta-street could be continued nearly to Glassmainoge road, and similar houses built thereon. If, by purchasing the Racket Court and adjacent

cent tenements, it was fully open thereto, a great depreciation in value must arise; the existing beauty and convenience would instantly vanish, and a place of fashion degenerate into a crowded and vulgar avenue, through which people and cattle would move into the heart of the Metropolis. A few houses only could be built in such manner as to preserve an end or place similar to the present, and with a passage under an house of either side to the stables. By the preceding mode, an annual profit of about three hundred and fifty pounds may be made. But my real opinion is, that the united site would never become desirable ground for building, in preference to Mountjoy-square with its surrounding streets, or the fashionable additions on the south side of the Liffey.

Allowing, however, three hundred and fifty pounds a year for its possible value under the utmost improvement, the Lessors gained an income of 800*l.* or a gross sum of *sixteen thousand pounds* from the funds of the Society for ever. This inauspicious dealing was no sooner closed, than the Treasurer's passion for architecture began to display itself in a singular manner. That extraordinary man formed the eccentric design of planning, superintending, and completing the Hall and Library, with the projected square. Having seconded rival and opposite interests in the preceding demises, he confidently hoped, that such persons would give him a joint support in the indulgence of this favourite scheme. An excavation was quickly made, materials

rials prepared, and superintendants appointed. In July, 1794, that gentleman's plan and elevation of a Dining-Hall and Library was approved in Council; nor is it easy for me to forget the transport with which he communicated the intelligence, and the satisfaction apparently visible, when I hailed him *as the legal Vitruvius*, a character more permanent and respectable, than what accrued from the fleeting rank of *artillery Captain, or Squire of St. Patrick*.

A day was even fixed, and nearly approached, for laying the foundation stone; but sudden and sable clouds frequently interrupt ambitious prospects, the seemingly unalterable order yielded to over-ruling influence. I was present at the interesting opposition, when a young Benchman, Mr. Marcus Beresford, joined to his opinion the strength of an ascendant party. In vain the Treasurer and his partisans pointed out the œconomy of his approved plan; in which architectural profit was disclaimed, and a recompence only looked for in the generous commendations of cotemporaries, and the juster applause of posterity. In the true spirit of professional debate, these reasonings formed a basis for opinions of the opposite party: that of disinterested œconomy was ridiculed, as the harbinger of ruin; if such a building should be committed to any person's guidance, who was not a professed architect. Why, it was added with warmth, vary in an expenditure of large amount, and public trust, from the established practice of mankind. Though an unanimous

nimous assent was not given to the apparent integrity, and obvious good sense of the preceding observations, the Treasurer's building party shrunk into a diminished minority, and in that respect blasted his official activity for ever.

This rejection of an internal plan delayed the progress for six years, and opened a prospect of designs and offers from men engaged in that particular pursuit. The preceding adoption occasioned a loss to the Society of two thousand pounds, and the subsequent delay added thereto the accruing ground rent of six thousand guineas. The Treasurer's choice of situation has been justly and universally condemned. I must, however, lessen that censure by observing, that the Primate was then living, and on his garden no experiment could be made; such part may therefore remain unbuilt for many years, which must render any symmetry of design, or correctness in execution, perfectly incomplete; I therefore consider every intervening attempt as the effusion of *vanity, party, or self-interest*; principles certainly sufficient to exhaust King's Inns taxation or revenue without any *professional use or permanent benefit*.

There is, however, no trade wind in the commerce of jobbing; it is subject to party squalls, and the dull calm of hypocrisy. The invoice does not always ascertain its destination, nor the profession of a peaceful coalition secure its success. I conceive it necessary to prepare the reader by these collateral remarks for a new and unexampled position, other-

wife he may mistake the preceding description as including a title sufficiently legal. An incumbent cloud, however, instantly overhangs, and sanctifies that popular aphorism, which only respects the legal judgment of Barristers, when these sage characters are paid for intellectual exertion.

One immediate Lessor was a Benchers; and on a supposition that he took the ground under a previous contemplation of the subsequent agreement, a spirited corrector of the Common Law may consider him as a Trustee, and decree such intermediate profit to the Society's use. It is in this instance alone that the benefit of the legal body seems to be attended to. Yet added astonishment must affect the reader, for even were that presumed principle successful, the holding would be by several thousand pounds too dear. But the coy goddess of equity could not be seduced to sustain such an unprecedented attack without strong evidence. The Treasurer indeed records, that such person shewed him, in October, 1793, the Primate's garden, as a fit situation, when united with Lord Mountjoy's ground, for the New King's Inns. I shall not so far shift the historic into the professional character, as to obtrude upon the reader my opinion, how far such proof would support the preceding intended suit.

It is, however, my bounden act to enforce certainty from doubt, and convert the possible abuses of Law into a correction of malpractice, and the exaltation of national character. Had the prejudice
of

of counsel or madness of party brought such a question under judicial cognisance, and a corporate character attached to the King's Inns, no established equity court could investigate the singular question, *for in such cases all our Judges were interested parties.* This proves the absurdity of affecting to imitate English establishments without a fixed observance of English principles, and affords a decisive example, that any Irish deviation flows not from precipitancy of decision, or inferiority of intellect; but a spirit of jobbing, personal malignity, or interested servility. The preceding visionary scheme hung over the establishment for three years, and its principle was resumed in various shapes.

When the former attack was defeated by a want of foundation in fact or justice, a Bench Order of the 5th June, 1795, contains the report of the Treasurer's letter of 23d of April, 1795, to the Lessors of the New King's Inns, with the answers thereto. The opposers of that agreement now, for the first time, seemed to conceive the title under the demise invalid, yet were willing to surrender the ground, and give reasonable compensation for any injury done to it. Lord Mountjoys answer was fully expressive of the improvident bargain. Besides a refusal to accept the proffered surrender, his Lordship added, that compensation would exceed the conception of gentlemen; thus plainly intimating, that the real value of the ground was so trifling, as to make any difference between it and the rent payable by the Society almost equal to a purchase.

The other answer corresponded with his Lordship's general principle, but was couched in professional form. It pronounces the Benchers' doubt as utterly unfounded in Law, and gives notice, that so far from accepting a surrender, the payment of the rent, if unpaid, will be regularly enforced; concluding with this strong remark—that the party knew of no adequate compensation for blowing upon a title to Dublin building ground by such a Society.

Opinions of Irish counsel were then had, whether the preceding lease had been valid from the beginning; next, whether the Lessor of the Primate's garden was bound to buy in the under-tenants leases, and give the premises clear from such charge to the Society. This sharp measure formed a masterpiece of vengeance, as the entire profit would be swallowed in its vortex; yet in point of common honesty it was a strange attempt, for both parties were well acquainted with these concurrent leases, which are even assigned, accepted, and so far made matter of record in the lease to the Society. Upon these apparently interesting occasions, the opinion of an English Attorney and Solicitor General was ordered to be taken. The reader may, however, presume the result unfavourable from subsequent silence upon that head. In this manner the ground remained for four years, not merely unimproved or unbuilt upon, but an added expence to the Society, exclusive of a loss by its annual rent of one thousand guineas.

The reader has seen it offered to the Lessors; which proposal was considered so gross, and the recompense, if adequate, so large, that no particular sum has been mentioned by either party. The next step was to advertise it for building ground. My early suspicion in that respect was justified by the event. Notwithstanding a public and avowed eagerness to part with the premises for the intrinsic value, and at a great loss, a remote and unprofitable situation baffled the attempt, and deterred builders from offering a single proposal. This suspension from building, and determination to dispose of the King's Inns, created another lively and singular design. A situation for an Hall and Library was selected to the rear of the Four Courts, and all idea of Chambers, or a surrounding square, wisely abandoned and condemned. Such a structure would, it seems, then satisfy that humbled pride which spurned the open, healthful, and airy situation of the Inns-Quay.

“ Telephus & Peleus, cum pauper & exul uterque,
 “ Projicit ampullas, & Sesquipedia verba.”

This interval enabled the Society to accumulate, amid unnecessary expence, a large capital from stamps and deposits for Chambers. The state of the funds during war would enable active Members to turn this income to an immense increasing advantage, and the profession be thereby consoled for preceding mismanagement by present prudence and prospective advantage. The fees received by the
 Treasurer

Treasurer from Easter Term, 1792, exceeded the annual sum of one thousand pounds; yet the reader will probably think legal integrity and learning as little benefitted by that enlarged establishment, as the soups of an English Archbishop by having for his *patent cook an Earl of Warwick*. The new created office of Under Treasurer, by a similar fiat of fees, exceeded the annual average of two hundred and fifty pounds. The Treasurer named to that office his eldest son. This gentleman dying in 1790, or 1791, his step-son, *then under age*, was named in a similar manner; both assisted by an office-clerk also appointed by the Treasurer.

Such profit and patronage did not escape the piercing eye of party; its rapid rise and progress appeared perfectly revolutionary; the poundage seemed worthy of national adoption, and would probably be introduced by a corrupt Cabinet, if equal secrecy could mark the growing system, and shield parties from the *lynx-like eye of opposition*. It certainly operated upon a new and uncommon scale; money, when paid into the office, or issuing from it, even what verged thither for a moment, and by a transitory tangent, was subject thereto. This official gangrene deserved eradication, in which every attention might be paid to the Treasurer's personal character or presumed services; whilst an official continuance, upheld in opposition to ancient practice and modern rules, should be terminated with a correction of improper profit in the successor. For this salutary purpose an ancient and apposite precedent

precedent presented itself, adhered to for better than a century in this kingdom, and sustained amid every mutation of *Manners, Religion, and Law*, by the *unerring wisdom and untainted integrity* of the English nation. The remedy consisted in an annual election of Treasurer, and an appointment of the Deputy by his principal, to be approved of by the Society, and continued by the possibility of an annual re-election during pleasure.

These obvious suggestions were counteracted by active dexterity, and secret [party] management, in which entire transaction the Treasurer is a separate character from his brother Benchers. Power, patronage, and personal interest were involved, which in the present age, and in a legal Society, it would be sacrilege to surrender. No inference can therefore be formed, what would be that gentleman's opinion, had it been solicited on neutral ground, and in an independent form. Thus, the *sapient priests of paganism* submitted to *luxurious income*, and ostensibly inculcated a *corrupt and vulgar superstition*, which their *keen genius* and *polished learning* reviewed with contempt.

The reader will conceive me distracted by a variety of matter, or forgetful of the leading principles which led the Treasurer to office, and its most obvious benefit—an arrangement of accounts each issuable Term, and payment of cash balances into the Bank of Ireland. Seven years of eventful variety had elapsed, and the frame of the King's Inns
Society

Society was nearly as much altered from its *original constitution*, as the *Government of France* from the languid reign of the innocent Lewis to the sanguinary vigour of a *Republican Directory*. In May, 1791, the Treasurer's accounts were audited by two Judges, found to be just and right, and Government Securities acknowledged to belong to the Society, and amounting to about 3900*l.* in his hands. On the 5th of June, 1792, a second audit took place, before two Benchers, who certified that the same was fair and just, and that they saw (their own expression) the Securities specified on the other leaf in the Treasurer's hands. Fifty-four debentures marked the intervening time.

Here let me call the reader's attention to the state of the Society. Returning 54*l.* which had been received in Easter Term, 1792, for Chambers, there remained in hands a clear sum of eight thousand seven hundred pounds after *all preceding frauds*; from which surely a decent Hall and Library, with suitable furniture, could be built. The ground was adjacent; and offered itself. Though the purest reverence for God always appears in a disinterested love of our country, an added tribute may, in such a situation, be humbly offered, and the *altar of Christ* united to a *Temple of Justice* by the erection of a *Chapel*. But if the preceding sum startles professional pride, and architectural taste, there was a growing resource in the funds of the Society to sustain any moderate added expence, exclusive of the legal claim for that ground occupied by the Four Courts and Offices;
a dis-

a discharge of which sum would, for such a great national purpose, be promptly conceded to by Government, Parliament, and People.

The immediate effect resulting from prudent arrangement and integrity must be, that the Benchers would be considered as the dispensers of all this good. Such men need only exhibit an example, and it would become even a popular act to second the design; the Dining-hall would be constantly and fully attended; the Library become a place of general resort, even during the sitting of the Courts; future Barristers possibly perfect professional literature, and personal improvement, by the well-known rules of Bacon—"close study, free conference, and an occasional exercise of the pen." Chambers would indeed be wanting, and the profession as uninjured thereby, as they seem to be at present. Some persons may however regret, that such a convenient cover for the dissipation of bachelors, and the more criminal infidelity of married men, could not grace the establishment. The reader will probably be ready to pursue the necessary dullness of accounts, from an humble hope, that steady rules, and public spirited management, may in future mark the Society, and remedy or remove the baneful effect of preceding partiality and corruption.

A third audit was had upon the 14th of June, 1794, which was declared just and fair, and *one hundred and six debentures and five Treasury bills* were allowed to be exhibited to view. They also find
three

three thousand three hundred and fifty-six pounds five shillings and one penny, sterling, to the credit of the Society, *not in their name*, but so acknowledged by the Treasurer. The reader must accept of my assistance in all future observations upon that head, as no similar ordeal affected the Treasurer for the *nine subsequent years of his life*. Official situation was not, however, permitted to glide in dignified repose; further attacks (*such was the language of that day*) were made upon him; for on the third of December, 1796, it was ordered, "That the Treasurer lodge *the Government securities, the property of the Society, in the Bank of Ireland* forthwith." Also, "That the Treasurer print abstracts of his accounts for the use of the Members of the Society, and an account of the amount of his poundage and fees."

The reader will perceive, that almost every order of the Bench suggests reflexions as obvious and extensive as the refined *morality of Rochefaucault*, or *Montesquieu's profound policy*. If I mentioned the preceding circumstances as subjects of general suspicion, not undeserving historic notice, the authenticity may be doubted, for they are not more repugnant to principles of honesty and common sense, than to the fixed unrescinded rules of the Bench. The wise alteration was solemnly recognised in 1789, as a corrective to that unexampled corruption and jobbing, which deprived the Society of an ample estate, and added thereto a complete plunder of personal property. Correct and immutable principles ought to prevail on the restoration or enlargement of
of

of any institution ; nor should an unceasing encouragement to flattery and fraud be admitted by a perpetual reference *to personal character*. Every jobbing vice or political corruption which has pervaded corporate and self-created associations in Ireland, appears to flow from that fatal source.

The improvements of our time, and permanent prosperity of posterity, hang on the immediate adoption and enforcement of an opposite principle. Ancient Romans and modern Britons attained unrivalled eminence in arts and arms by an adherence thereto. If patriot zeal can suggest a more apposite example, *be it remembered*, that an opposite practice has powerfully contributed to the depression of *Irish ingenuity and excellence*. The Treasurer has recorded, that he informed a deceased Benchman by letter of the seventh of December, of an application to the Bank of Ireland, whose Directors declared, they would only receive the debentures and Treasury bills as a sealed parcel, and not make themselves accountable for the contents. On the 21st January, 1797, "A Bench Order was made, to make a similar application to the house of Messrs. Latouche, pursuant to which it was declared on the 28th of January, that 128 Government debentures of one hundred pounds each, at 5l. per cent. and 106 debentures of the same amount, at 3l. 10s. per cent. with twenty Treasury bills at 5l. per cent. were lodged in that bank, and an accountable receipt given for the same."

Thus,

Thus, for the first time, twenty five thousand four hundred pounds was handed over to the real credit of the Society, and permanent security given for the same. Hitherto they were not only in the custody of the Treasurer, but in his private house, without any list or duplicate to ascertain their identity; the principal of some received, and in that constant mutation which such a species of property encourages, and sometimes requires. If a sudden death or violent disease disposed of the Treasurer, what evidence had the Society to justify a claim? To which Benchers would so impertinent a message be delivered, as to demand a review of all his papers? Or what family in Ireland submit its effects to such a ridiculous investigation? The event does not render these observations unnecessary, though it contributes to confirm the Treasurer's official integrity, and has rescued King's Inns rulers from the sarcasms of public ridicule, or pleasantries of scenic exhibition.

The reader has been informed that poundage was allowed upon the sum of 4040l. received from Lord Lifford's representatives to the Treasurer, in consideration of his trouble in establishing such charge; a remark which Benchers ought to recollect with a double point of view; first, to render future accounts clear, by *an half-yearly audit*; and secondly, to suppress *poundage in future*. I reluctantly, but solemnly, pronounce a departure from each; for poundage appears in the abstracts, until finally suppressed in *Hilary Term, 1797*, amounting in the intervening period to *sixteen hundred pounds and upwards*.

wards. These preparatory steps may end in a revival of the ancient rule, or an enforcement of such order as accompanied his appointment. But prudent management and proper compliance counteracted that just effect; due homage was paid to the shrine of power, and plighted fervility met certain support. It was therefore ordered, “That the present Treasurer shall receive all fees payable to him as Treasurer, according to a table formerly settled to his own use; and if the same shall not amount to 125*l.* in each Term, or five hundred pounds in four Terms, whatever may be deficient of said sum shall be made up out of the funds of this Society. The said sum of 500*l.* to be in lieu of all poundage or compensation.”

“That upon the death, resignation, or removal of the present Treasurer, a Treasurer shall be elected from among the Benchers, who shall act in that office without fee or salary; shall continue in it but one year, and shall not be capable of being again re-elected into it until two years after the expiration of that year in which he acted.” By this means a net income to a respectable amount was secured to that gentleman for life. Had the office been attended with considerable trouble, impropriety was affixed to the subsequent part of the rule; it may therefore be fairly inferred, that Benchers considered it an *honorable sinecure*, except where business is craftily courted or created for purposes of *interest or ambition*.

The office of Under Treasurer, *created and dissoluble at his pleasure*, was not even recognised but by the table of fees, it therefore passed unnoticed during the preceding storm; nor can there be a doubt, that if an annual election of Treasurer took place, such officer would assume the privilege of his predecessor, and name a deputy. An implied situation for life being secured to the principal, contrary to rule and right, a saving hand was lent to uphold the Under Treasurer, possibly after the death of his principal. For that purpose the following artful rule was entered into: "That a Sub-Treasurer also *shall then be elected*, who shall not be a Bencher, Barrister, or Attorney, shall continue in that *office during pleasure*, and shall receive a salary of *two hundred pounds*, but no fee or other emolument."

A new Treasurer may, according to ancient usage, and existing practice, claim the nomination, and would, from friendship or self-interest, find such a person in the legal profession. If the office was left open to a canvass, a Member of the King's Inns had the most natural claim, and the most probable prospect of success. By excluding such, a great leading interest was put down, and this prudent forethought secured the succession. The reader is thus relieved from indignant reflexions upon official interest, or innovation by admiration of the systematic perseverance, which was exercised in its support.

The

The preceding rule furnishes ample proof of the connexion and subordinate position of the Under Treasurer, with that of his principal; appointed by, accountable to, and existing only during the official tenure of the Treasurer. I consider the resignation of the latter officer, or its possibility, as a *King's Inns pleasantry*, whilst the awful word *removal* must indelibly inform him what particular Bench he could lead an host of dependent voters into Bench Councils, and enforce due fealty at his shrine. This sensation converted the Society's servant into a collateral officer of Chancery, and rendered the senior part of each profession perfectly inattentive to its inferior management or pecuniary concerns.

As the correct distribution of justice, and the independent situation of its interpreters interests the nation, it must on that account merit an incorporation with the History of King's Inns. From the accession of James I. until the reign of his present Majesty, the three Chief Judges had equal salaries; with the exception of one hundred additional pounds to the Chief Justice of the King's Bench. The six puisne had no difference in their public income, save the senior puisne of the King's Bench. There was no particular payment until the year 1656 or 60, for circuit, until which period their personal expences and entertainment was borne by Sheriffs and Corporations. This became very burthenfome to the latter, without being sufficiently convenient to the former. By an order from Government the practice was discontinued, *and 50l. each*

each circuit given in lieu thereof, which was afterwards raised to 100l. each circuit, and to two hundred pounds with equal conformity to the progressive value of the articles of life.

By an *Act of this reign* the Chief Judges were to receive, one 1700l. annually, and the two other 1600l. each, and the six puisne Judges 1200l. each, exclusive of 400l. for the two circuits, with the other ancient fees inseparably annexed to those offices. There was a fee, small in itself but valuable, which resulted from Civil Bills, a species of suit entirely unknown in England: here a shilling was given to each Judge on a decree or dismissal, and taxed against the losing party. This profit was to be diverted into another course, and I pointed out such an alteration some years before the year 1796, in the letters of *William Russell*. "Since the neglect of county courts, the jurisdiction and practice of Quarter Sessions should be better supported; thereby justice would be brought home to the subject, and more frequently, Civil Bills may be determined there, with an appeal to the Judge of Assize; poor men cannot bear delay, and dealing principally with each other, have but tottering security. To effect this plan, a Barrister should be appointed to preside as in the County of Dublin." Thus, men in opposition often throw out hints which the pride of a Cabinet does not disdain to adopt. Assistant Barristers were appointed, apparently in correspondence with the preceding publication; but to complete that plan, the common Law Judges must be rendered as independent in
income,

income, as the Statute Law had already confirmed them by tenure.

Four thousand pounds a year was assigned to the Chief Justice of the King's Bench, and three thousand five hundred pounds to the other Chief Judges, while the puisne Judges were fixed at an equal salary of two thousand five hundred pounds, which official patronage was overlooked from the great principle whence it arose. Thus, if judicial integrity be encouraged by the respect which attends it, Irishmen still sustain their ancient and acknowledged character of being zealously attached to an impartial administration of Law, and sincerely devoted to its just interpreters.

Another incident happened about the same time, illustrative of the genius which governed the Society of King's Inns. The old Courts were as convenient as those at Westminster; it had, however, been thought proper to change the situation, by a New Building on the King's Inns estate, between the Public Offices. It must add surprise to indignation, that a similar reason did not operate to erect an Hall, Chapel, and Library, where alone such buildings could be completely and generally useful, and by which laudable œconomy the Society would be enabled to maintain, as in the preceding century, a *Chaplain*, to lighten (if thought expedient) the *expence of Commons*, and to furnish a *well chosen and extensive Library*, with an indulgence of professional *charity* upon a scale suited to the *dignity and presumed*

integrity of a legal establishment. Even the original plan of New Courts was bottomed on the intent of adding buildings for the Society adjacent thereto, and is strongly suggested in a rule of near forty years standing.

However, the New Courts were opened in Michaelmas, 1796, and for the first two days attracted such an assemblage of *female youth, beauty, and fashion*, as banished *discord, distress, and dishonesty* from their *usual abode*; *legal business* returned to the common track. The preceding flight incident, *so natural in itself*, only merits an insertion in this History for the heavy charge thereby affixed upon an income lately created, and avowedly for such different purposes. The English Inns of Court do not feel themselves *warranted or bound* to provide *servants* for the *Judges*, nor *sweepers* for *Westminster-Hall*; to the Sovereign that arrangement exclusively and immemorially belongs; it forms part of the dignity and expence of the Royal household. Nor can there be any doubt, that through his Empire ministers, when apprised thereof, will remove any obstruction, or introduce any measure which tends to the proper ease of Judges, or the more regular dispatch of legal business. No application was however made in that quarter; it must lead to enquiry, and at all events give rise to œconomy which would smother a projected general job.

A large annual income had been accumulating in despite of every fanciful mismanagement. The present

lent site was advertised for sale, and it afforded no *slight pleasantry*, that a *sad and sapient legal body* solicited bidders for an interest which no person would take off their hands for twelve thousand guineas, and architects to rent or build on ground, the title of which they considered as doubtful. At that moment the structure of an Hall, Chapel, and Library, even at the rear of the New Courts, appeared remote, and the romantic project of Chambers entirely abandoned. A lively Benchers therefore said, that it would be indecent to divide among themselves the accumulated principal; but to divert the growing interest to temporary convenience must excite neither surprise nor alarm. It was therefore ordered, "That *thirteen tipstaffs* should be added to those already in office, with a salary of *twenty-five pounds each*." A similar allowance was made to three existing persons, for a *second* was provided to each *Chief Judge*.

This unprecedented appointment resembled every innovation of power or jobbing, under which Ireland has groaned. A plausible pretext was afforded in the unusual croud of every sex, age, and rank, which seemed to usurp the Courts for the first and second day of Term. But equal attention should be paid to the voluntary assessments and parliamentary taxes imposed on the junior part of the profession, and to which Benchers did not contribute a *single shilling*. However, the new officers were determined, by assuming a *spirit du corps*, to justify the appointment. To an unnecessary activity was added

continual interruption, personal insolence, and frequent arrests.

Thus, *for a couple of Terms*, they became a greater nuisance than what the institution affected to correct. Time, *with well applied ridicule*, has in that respect produced ample amendment; the parties therefore seem to understand the motive which created that establishment, and slumber on a *fine-cure*, or confine their activity to domestic servitude. These interior servants pointed an equal necessity for an *extern job*; the hallowed precincts have therefore two tipstaves to regulate the surrounding squares, by whom the *cries of poverty or plays of children* may be banished from *stern or unfeeling minds*. About five hundred pounds has been thus annually sunk for the last ten years, and is likely to continue for the lives of the present possessors, or rather for their masters' official existence; for it has been hinted, that as judicial changes happen, no succession of the preceding sort will take place.

My bounden duty, however, requires that each past or existing movement of the Society be fully and faithfully displayed; besides, I am convinced that this publication will contain truths overlooked by *ancient, and unknown to modern Benchers*, but which *as men of honor they will never approve*. In this year an ejectment was served for the ground on which the New Courts and Record Offices stand. The order imports, that it was done merely to prevent the operation of the Statute of Limitation; in

my

my humble opinion an unnecessary caution, as there can be no doubt, that the Sovereign and his servants will ever, in the exercise of beneficence, or dispensation of justice, voluntarily convert that ancient maxim of prerogative, *nullum tempus occurrit regi*, into a protection of the subject.

The Bench ordered the Treasurer to apprise the Lord Lieutenant's Secretary of their intent and motive. That gentleman's letter upon the occasion is only memorable for one misstatement, a material one in the trial of a title, if such an event was apprehended, and an equal deception upon the Government, and ancient Society of King's Inns. The grant is said to be from James I. in fee, as a perpetual residence for the *Benchers* and their *successors*. Now the word *Bench* does not occur even on the books of the Society until the reign of Anne. But this singular falshood has been already decyphered, and is only insisted upon to explain the settled system of making an *unprincipled oligarchy, despotic rulers, and official plunderers*, whilst the *legal body of Ireland* was to be chained to the new-modelled Bench by the united link of *taxation and servitude*.

About the same time a letter came from the Lords of the Treasury, to lay before them a statement of the expenditure of the former sums issued to the Society for stamps. A concise answer was given, "That the Treasurer disposed of the money pursuant to Statute, and was to account with the Society." A mistake in both points—no part of it had been
been

been then disposed of, and the receipt of it is not yet accounted for with the Society. When I discuss subsequent matter, however necessary it may be to elucidate the movements, and render authentic this History of the King's Inns, the reader will not expect a minute attention to dates, which shall (I trust) be compensated by a close observance of accuracy and truth.

The Lord Lieutenant's Secretary seems to be governed by the Treasurer's letter, and answers as if the subject related to the Benchers in a separate or corporate capacity. Thirty additional Treasury bills were purchased by order of the Bench from the growing accumulation in the hands of the Treasurer. These were the halcyon days of the Society; near thirty thousand pounds capital, in despite of an useless annual rent of 1164l. and a waste of its personal property to an indisputable amount of twelve *thousand pounds*. Taxes only affected an entry into either profession, and were paid by parents, or by the parties, with almost as much pleasure as *marriage licences* are purchased by *youthful courtiers*.

The Bar certainly broke down the Charter and its accompanying Statute, but extended not their discussion or active interference to any interior concern, whereby new rules were promulged and assented to, in no manner variant from the old stock, *except in legal exercises*; for expence, delay, and interference equally distinguished the existing code.

Proud

Proud in an encreasing income, the Society then resembled this kingdom as it stood in 1753—an *undisposed surplus in their Exchequer, with no existing funded or unfunded debt*. Similar policy seemed also necessary to complete the comparison, which has been already effectuated by *unnecessary grants and ill-considered expenditure*.

The reader need not, however, fear that the nation, or Society of King's Inns, will, for a long period, be able to exhibit a similar account: seasons of prosperity and danger give equal distinction to public stations. As the Benchers seem to have passed the former line, they should exercise patience, integrity, and unbending firmness, in counteracting the present depression, and dispensing to the profession the intended benefits of Royal bounty, and parliamentary wisdom,

Allured by the sound of reviving consequence and surrounding affluence, *the father of the Bench* breaks through the screen of retirement, and writes to the Treasurer to know whether he was a Member or Benchers, stating, that a letter, mentioning that he had been elected, was wrote to him about thirty years before, by the Steward of the King's Inns. There was no mistake in the preceding statement, but what the reader will naturally excuse in a man considerably advanced in life; he was in fact *forty years, and not thirty*, a Benchers of the King's Inns,

Inns, and marked as such on the Roll, and in Watson's Almanack.

The Treasurer laid the letter before the Bench, and withal informed them, that search had been made into the books, and no entry found of his Lordship's admission, though the books state the reverse, and even the Charter recognises him as a Benchers. The historian of cotemporary facts is occasionally shook from proper vigour by the partialities of acquaintance. In this instance I cannot acquit the Bench from an intended fraud, but by an imputation of fixed ignorance, or inadvertent mistake. Lord Clanbraffil was elected in the year 1757, under the title of *Lord Limerick*. It was the custom to elect leading officers in every Court Benchers, and was not discontinued in this case. But an acknowledgment of error often hurts official pride, and may lead to further enquiry. That innovation by which the number of Benchers was limited to 45, would thus appear irregular, as Lords Bristol and Howth stood in a similar situation, of whom no notice was taken in the preceding mode of election, nor even in the Charter.

The reader must determine which measure led to the preceding unwarranted answer. The Treasurer was Squire to Lord Clanbraffil on that nobleman's installation as a Knight of St. Patrick, but seems to have forgot the fixed duty of chivalrous station in not recognising, with precision, the several titles of his principal. This year is remarked by a new accident

cident which interrupted Commons. The Hall in Townsend-street became overflowed with water, and was utterly unfit for the accommodation of Members. Students were to pay one guinea each Term as a composition, until Commons were re-assumed. There was no necessity for this paltry tax, nor did becoming fairness mark the payment; attendance would not be more expensive. However, the young gentlemen were relieved from a personal muster, so gravely insisted upon by the rule of 1782.

Early in 1798, some Barristers memorialled to have their deposit for Chambers refunded, as they understood the building of Inns of Court was abandoned or suspended for an indefinite time. It seems the Bench did not at that time conceive a rule similar to what a later moment dispensed to an afflicted widow; that the rule of payment was absolute, and the subsequent allowance of the principal an encouragement to taking or building Chambers. My motive for exhibiting a contrast of decision within a short period, is to rouse the Bench to an entire revision of the system introduced within seventeen years. Let wisdom uphold what is warranted by integrity, and correspondent to the legal system or constitutional connexion of both kingdoms, whilst it covers with becoming oblivion cotemporary novelties of interest or ambition.

The preceding remonstrance dispensed to legal rulers a similar principle to what political opposition frequently infuses into Government; it roused them
from

from torpid inactivity, and enforced an order of the day. It was then resolved, "That the Bench would immediately endeavour to obtain an Act of Parliament, empowering the proper parties to demise the present site, now in the possession of the Society, for ever, and that the same being obtained, the Society will proceed to build upon the same ground."

This rule gave to the Irish Statute Book the most original composition which marks that singular compilation. The only consolation which a writer feels for the fatigue and dullness of a lengthened review, is the interspersion of decisions responsive to patriotism, and directed to animate the literary exertions of a rising nation. The Bench generously voted a large subscription to the widow of a deceased Barrister, for an *useful practical book*. It may aid *the defects of memory*, but could not give to *men of science added information*. However, laudable industry and extensive talent were thereby exhibited, with which, in my humble opinion, amiableness of manners and integrity of character marked its respected author. On the same auspicious day it was ordered, "That a sum of 5000*l.* that is to say, 2000*l.* in cash, and 30 Treasury bills, of 100*l.* each, be paid by the Treasurer to the Teller of the Exchequer, as the voluntary contribution of this Society, to the defence of the country at this important crisis.

Though the preceding vote passed the Bench with apparent unanimity, some of that body gave it internal opposition, and have repeatedly lamented to
me

me this *misdirection of money* from its original object. As personal respect or private friendship has not (thank Heaven!) hitherto warped my public opinion, the reader shall know mine without attempting to seduce him into a similitude of sentiment. I admit that the just jealousy which animated our ancestors against the projected and practical despotism of the Stuarts would feel alarm at the support of the executive power, without the consent of Parliament. Exclusive of the altered manners which at each period guided or governed Prince and People, this voluntary contribution was subject to senatorial control; the measure can therefore be justified by the constitutional right which British subjects should feel of dispensing property against foreign or domestic foes, with legal pleasure.

The just jealousy of patriotism need not apprehend that such excess will ever lead a designing Minister or misguided Monarch to assume independent power; courtly minions may strengthen tyrannic schemes, or promote personal interest at the expence of the public purse; but a brave, a free, and enlightened people, will not exhaust the exuberance of hereditary income, or laborious industry in upholding the traitorous traffic; besides, nothing can shew more strongly to surrounding nations internal concord, or acquiescence under necessary taxes, than such an *occasional burst*. Under these impressions, *let me only add*, that if every shilling voted by the Society for the last ten years extended to such a national

tional purpose, the expenditure should meet my *humble approbation and warmest support.*

There was a tolerable attendance at Commons, even under the preceding discouragement, but aged Practicers gave it no countenance; nor was its convenience felt in such a manner as to provoke from any part of the profession a solicitation for its re-establishment. As a surrender of the premises in Townsend-street had been given, a homestall was necessary for the books and furniture. The Bench therefore ordered, "That a temporary building be erected on the present site, for the accommodation of the Society." Whatever faults may be justly found with the Treasurer's former plan, this erection unites so much convenience with œconomy, as to prove (if it needed any) that corruption and dishonesty prevented the revived establishment from being fixed on the ancient estate of the Society, and that eight or ten thousand pounds would execute it on a proper scale.

The daily view of this temporary Hall, whilst it gave to the man of honor, *who felt for his country or profession*, blended sentiments of surprise and indignation, also infused a general desire to expend an heavy system of taxation, and an extorted deposit on suitable and lasting improvements. In Michaelmas Term the names of five Members were struck off the Society's Rolls in the following words; "They and each of them being of a seditious and traitorous society of men, styling themselves United Irishmen,

Irishmen, and having confessed themselves guilty of high treason." No person can be surpris'd at the expulsion of self-attainted traitors. It is, however, the duty of a loyal subject to prevent their mode of sentence from giving a wound by a King's Inns precedent, to constitutional freedom. From the laxity of the preceding words, posterity may doubt whether the expulsion was not founded on a proof, or even suspicion, of seditious practices; by which principle, in turbulent times, the minions of despotism or anarchy may overwhelm those moderate and unassuming fellow-subjects, who, with well-balanced integrity, preserve the equilibrium of a mixed government.

A Member of the legal body may be thereby subject to amotion for political connexions or writings, not only innocent in themselves, but which may result from dignified disinterestedness, and enlightened patriotism. If innovation, suited to the vicious moment, or the preceding practice, degraded English Inns of Court, the champions of King William would be thus treated for resisting the *tyranny of Charles*, or ridiculing the *superstition of James*. Were this a doubtful conjecture, the mandate which ejected *Locke from Oxford* forms a decisive proof. The expelled Members made a confession of treason, on condition of banishment and pardon. To expunge such names from a legal list was the natural consequence. Craft, however, seized on that act as a fit moment to sanctify with an holy mantle extensive and usurped authority. Acknowledged traitors lay
at

at their feet ; to make their punishment an instrument of dominion over independent loyalists was the concealed design ; otherwise an unproved charge of sedition would not be added, by *legal surpluſage*, to the acknowledged guilt of treason.

Though I ſincerely hope and confidently anticipate that King's Inns Rolls will be, for ſucceeding centuries, as free from ſimilar ſtains as they were from the revival in 1607, to the deceaſe of Lord Liſſord ; yet the chief end of this publication is to rouse Irish Practicers to a ſenſe of perſonal dignity, and the laſting benefit of poſterity. Unaided by that great prop, the voice of an individual will have as little effect as a whiſper in the miſt of an hurricane. Flattery does not impute to them feelings of uncommon honor or extravagant integrity, but legal liberty is the ſubject's nobleſt inheritance, and ought to be ſupported by civil wiſdom, and, if neceſſary, by warlike courage. In that reſpect our profeſſion is bound to take a lead, and manifeſt a due reſpect for national freedom, by upholding interior independence.

Preceding pages have ſatiſfied the reader with what caution power is to be intruſted to early acquaintance or intimate friends. In an ordinary corporation miſmanagement gave hereditary influence, and led to parliamentary ſituation. Such can, however, never exiſt in the legal body ; the moſt crafty tyrant whom King's Inns annals exhibit, well knew the uncertainty of official influence, and that no accident

cident could transfer it as a family inheritance; the proper legal path is therefore safe, easy, and honorable. Disinterested conduct, even when defeated, secures personal respect; and when successful, obtains unpurchased influence.

The succeeding year appears nearly a blank in the legal and national history, but was followed by a season peculiarly memorable for *an enactment of the Union, and the foundation of the King's Inns Hall and Library*. On the 23d January, a Committee of six was appointed for that important purpose. The Treasurer was ordered to write to two respectable architects, who were said to have made designs for said buildings, to send them to his office. A third also sent in designs. After so many mistakes and mismanagements, which a painful, but becoming reverence for truth, has obliged me to decypher, the reader will anticipate with what cautious integrity an irrevocable measure ought to be planned, forwarded, and executed.

The first obvious step would be to encourage a rivalry between architects, by advertising for designs suitable to the finances of the Society, and the situation of the ground; next, to have the respective merits ascertained in the most unsuspecting manner. Nor could it be ill-suited to the acknowledged gravity and presumed integrity of the Bench, if such models were for some time, previous to final approbation, publicly hung up for the inspection of all legal Practicers. There may be, by usage, a monopoly

monopoly of interior management, but it must exceed the ordinary currency even of legal fiction to suppose a self-chosen body possessed of the like title to taste, genius, and learning; but in the preceding instances, the whole legal body and architects were treated with equal neglect. The former were left totally in the dark, and the latter entirely ignorant of the circumstances attending the apparent site, the existing funds, or growing resources of the Society.

However, under the preceding want of correct arrangement, a report from the Committee was made to the Bench upon the 13th of June, in the following Terms: "That they had examined certain plans and elevations laid before them by James Gandon, architect; that they approved of the same, and recommended that the said buildings should be carried into execution with all convenient speed." Which report was then confirmed and agreed to. As no premium was given to disappointed candidates, nor their designs even reviewed, the reader will naturally conceive that the approbation was preconcerted, and the Society of Benchers gravely assembled to sanctify such resolution. The report of the Committee conclusively ascertains that important fact; nor was the present respectable architect fully informed on the preceding indispensable subjects, whereby a princely structure has been planned, disproportioned to necessary use, and superior to any expenditure which the income of the Society could suggest or warrant. Whether that concealment was premeditated or accidental, the error was extremely natural.

natural. An universal opinion prevailed, that where so much money was visibly misapplied, the income must be great, and capable of immediate increase.

Many persons of high *political rank and general information* frequently apply to me for an explanation of its rise, progress, and present position; I could therefore offer to the public an ample and original excuse for this publication, in a desire thus to release myself from further solicitation upon that head. The reader already knows that the front of the Primate's garden, which extends to Glassmainoge road, is not entirely in the Society's possession; some part of it is even held by a tenure, with a covenant for renewal, and which the Act of Parliament renders rather more firm, as there is no further apparent necessity for the immediate tenants obtaining new leases from the Dean and Chapter:

The complete western front, which bounds the most northerly house, may be opened whenever it is thought necessary to give an approach to the new Hall, in which it is intended to keep Commons during the ensuing Michaelmas Term. The lower part of the same front, adjoining the Linen-hall, is also in the immediate possession of the Society, and may be opened in a similar manner. The intermediate part has two divisions; one held by the preceding perpetual tenure—the other at the will of the Society: the portion in their power is thus rendered useless for the intended original purpose. It

is much easier to describe the western front of Lord Mountjoy's ground, as no part of it belongs to the Society. The time to acquire either portion on a reasonable valuation, was from 1794 to 1798, and not at the present moment, when imperious necessity seems to demand it for a removal of that deformity which must ever attend the present Hall and Library, whilst such buildings are confined in front to the ground now belonging to the Society.

The Treasurer was adverse to the appointment of Mr. Gandon, and needed no instruction from the keenest statesman how to render enquiries from such a man, so far troublesome, as to make the information incomplete. The situation of the western side was entirely unknown to the architect, who conceived it to belong to the Society, or to be reducible to immediate possession by the nature of its tenancy. Under this impression the front has been moved so far to the westward, as to approach within a few yards of cow-houses, a Racket Court, and a few obscure tenements, inhabited by the poorest class of people.

Let not the reader precipitately hope that they will, upon that account, be purchased with the greater ease;—the wealthy owners permit such a tenantry to occupy these mean mansions, that they may be ever ready to meet the Society's offer, and dispose thereof upon extravagant terms. This has been already so fully felt, that the Bench have resolved to suspend any intention of such purchase un-

til

til the three remaining sides of the square are built upon, and completely finished. Under the present resources, and that extensive project already proposed, the preceding order nearly amounts to a legal adjournment *sine die*. If the acquired situation needs any added circumstance to mark its inconvenient avenues, I unhesitatingly declare that the western front will receive no material benefit from a completion of this plan. It is a part of my prescribed duty to unite, with accuracy of fact, well-founded comments of explanation or excuse, and with equal firmness to measure criticism or censure where truth or honor provoke the remark.

In this entire business Mr. Gandon's conduct is not merely faultless, but intitled to approbation. The Bench already knew that he could frame a design upon a confined and convenient system, as he has in the present instance upon a great and magnificent scale. A plan for an Hall and Library, with correspondent offices, remains among their archives, and equally exhibits his attention to proper orders, and to meet the known resources of the Society. That gentleman has also furnished different schemes suited to the existing state of their ground. One can be circumscribed in such a manner, as to exclude the entire western front, except in a necessary open which is fortunately within the Society's power; the other forms a square, one side of which will have for its boundary Glassmainoge road; within either design houses of a smaller or larger dimension can be uniformly built.

An oblong inclosure, including the western front, may be built round the New King's Inns, which will contain twenty-two houses, and form an elegant interior of 497 feet by 224; each house may be fifty-three feet eight inches in front, by thirty-seven feet six inches, and from three to four stories high, with apartments under ground. This plan gives six rooms on each floor; the landing leads to a small lobby, a door from which encloses three apartments. The above houses will have rears. But if the adopted plan be to build Chambers without such conveniences, nine additional houses may be erected on the south and north sides. Should Glassmainoge road be entirely excluded from the intended interior, an iron railing is to form the western boundary.

A plan of one house has been given in, and is estimated to be built for *five thousand five hundred pounds*; thus, *one hundred and twenty one thousand pounds* would be requisite to build the square.

Let me now state the probable convenience resulting from this proud improvement. Allowing a floor to two legal Practicers, whether working in separate situations, or by couples; one hundred and seventy-six persons would meet accommodation. A building interest of eight per centum for the money expended is not held unreasonable; each house would, under a continual tenancy, pay an annual rent of four hundred and forty pounds, and leave each floor at an average of one hundred and ten pounds,

pounds, to which one or two persons (as the case may be) would be subject.

Now let the reader measure by the price of lodgings through this town, the eagerness with which a young Barrister or Attorney would take two unfurnished reception rooms and a bed-room at nearly fifty guineas a year. The under ground apartments would form a scanty partition for four or eight servants. If the preceding situation does not deter married persons, they must at least be allowed a larger suit of apartments. But families may obtain an house in the town for less than two floors, or two hundred and twenty pounds a year, *furnished, its taxes paid, and without a fine*. Possibly the old Treasurer's well-known artillery and explosive manufacture could not dissipate the establishment with more certainty than the preceding concise detail.

Let fancy, however, take its wildest fling, and suppose, by the adoption of a most extravagant legal fiction, the square completed, and its apartments equally divided between grateful husbands and lively bachelors. The regular site and establishment of each class may frequently interrupt social harmony or domestic ease; the square would become a perfect barrack, without the efficacy of military authority to superintend or control it. This intended government gave rise to the Charter, by which resident Benchers, in legal retirement, may enjoy that despotism (within the precinct) so palatable to most men, but of which the Law so cruelly deprives them.

them. If the ground be advertised for common builders, the rate must be so moderate as to allow reasonable profit, and yet induce such speculators to submit to covenants preservative of uniformity, and to secure the houses to professional men.

The usual collegiate care of the buildings must be taken into consideration. *After all this exhaust of time and expence*, it must be admitted that an Hall, Chapel, and Library, are alone proper or necessary; let the ground be therefore disposed of in buildings of some sort at the least possible loss, reserving but a sufficient site for a King's Inns Chapel, in which a clergyman of the established Church may officiate for the Society, as its Chaplain or Preacher. Were the idea new, it merits countenance; but such appointment existed in the reign of James I.; even Cromwell's government revived it, notwithstanding the variety of sects which at that time struggled for civil and spiritual dominion.

This useful and honorable measure, equally due to Religion and Law, ought to be untarnished by a spirit of jobbing. When the reader considers what honor the legal body in England has derived from the lettered character of their Chaplains or Preachers, and how strongly the *selection of Usher* displays a similar zeal in the *revivers of the King's Inns*, he must join with me in an humble hope, that becoming caution may mark the election, and thereby stamp the station as an unerring reward to distinguished

guished clerical talent, and a certain passport to higher promotion.

I fear that the reader may feel uneasy at the intended expenditure, if an hard bargain was not at least moulded into a good title. An Act of Parliament was solicited on behalf of the Society, and obtained by an added annual rent of fifty pounds, and at an expence of *six hundred pounds*. Every movement of the King's Inns, for the last fifteen years, is pregnant with pleasantry or wisdom; if leading principles of Law are not thereby illustrated, petty points of practice are constantly inculcated; even the clauses of this Statute extend beyond their professed object. Modern Benchers recognise the ancient Professors of Law as the known name under which the Tudors and the Stuarts made their several grants; then state all the ancient site to be disposed, (not saying it was by themselves or their predecessors) and that it will be equally convenient (which no man can believe) to erect buildings on this devoted soil.

The Dean and Chapter received for the Primate's garden and Lord Mountjoy's ground about twenty-seven pounds annual rent, with a lease of about 36 *or* 37 years against them; for consenting to convert such a reversion into a perpetuity, no less than 205*l.* yearly is to be paid by the Society. The Dominicans in ancient time would not be so imprudent as their legal successors. It is true, the Society's intermediate landlords make an abatement; the two for the Primate's garden, 20*l.* each; one from

from a reserved annual rent of 400l.; the other from 220l.; Lord Mountjoy about 80l. from about five hundred pounds yearly. These successful adventurers were extremely right to convert the King's Inns rent into a perpetuity; for instance, if Lord Mountjoy's immediate landlord declined to renew, or if the Dean and Chapter raised the renewal in a proportion to the known rent paid for the premises by *its occupier*, the King's Inns Society, it might not be worth his attention to swallow a trifling profit in that exorbitant charge.

Lord Mountjoy's interest would thus lapse, and release his tenant from an annual loss of four hundred and fifty pounds. The reader can amuse himself with a similar calculation for the Primate's garden, and charge the united mischief to the *account of the ancient Society of King's Inns*. The concluding section gives to the Society the privilege of managing the *subsequent buildings, and all dealings relative thereto, by the legal name of Society of King's Inns*.

This removes all doubt (if there was any) as to the corporate position so often pretended to, and craftily assumed. It is surprising that an awkwardness did not strike some persons at enrolling the mode of lease. To the Treasurer of a voluntary association in trust for the same, if it was not legal, the reader may conceive it the effect of simplicity or personal honor. When fryars, the old proprietors, evaded the Law, they were resisted by Statute; Barristers, their successors, solicit a similar authority to
sanctify

sanctify errors, and perpetuate the evil effects. At the moment of passing this Act of Parliament, twenty thousand pounds was lost by the bargain, and an encouragement given thereby of doubling the injury, by ill-considered or expensive erections.

The Dean and Chapter were perfectly right in measuring the value of their ground by the rent of an occupying tenant; nor could so great a sacrifice of self-love be hoped, as that the parties concerned in taking the lease should inform their landlords of the gross and singular overcharge in the rent, and that the premises were not truly worth two hundred pounds a year, or under the best possible improvements, *above* 400l. The Members of King's Inns at large seem, during the entire transaction, to be held in a state of vassalage or minority, and in that respect to resemble hapless wards under feudal tyranny, or during the old somnolent quiescence of our Irish Chancery; but the benefit resulting from a voluntary association can be resigned with indifference or contempt, whilst the plunder of real or personal property ensures distress through life.

The period now approached when the legislation of this country was rendered *one and the same* with that of Great Britain. Irish statesmen expected transplantation, and modestly hoped to extend their politic protection and habitual counsels to Great Britain. In this ardent ambition they had obstacles to encounter, which nothing but the illusions of self-love, seconded by official presumption, could enable

enable them to overlook. The pride of the higher, and prejudices of the lower classes, in the sister kingdom, forbade *even Irish assurance* to take that station, or obtain an ascendancy in imperial counsels. These preparatory symptoms, however, led to the foundation of the New King's Inns.

The floating mirror was proclaimed stationary, and the new site distinguished by a singular and expensive structure. The first stone was laid upon *the first of August, 1800*; a day rendered grateful to Irishmen by the accession of a line of Princes equally distinguished for personal courage and political integrity: it has also become memorable in legal annals by the preceding event, and an enactment of the Union. This year does not resemble the year 1799 in a barrenness of juridical events; the parting wisdom of Irish legislation expended itself in the difficult and contradictory position of senatorial and diplomatic talent.

The model of Scotch union did not bound the ardent and active invention of Irish statesmen. In that respect our Law may be exhibited, against its prototype, as nearly a complete contrast. The entire arrangement left British fellow-subjects in their former situation, whilst in this country it worked a radical change; even the preparatory symptoms augured most important events. As if imperial legislation could not be confided in, new laws supplied imagined improvements, or removed existing defects. Thus, a new court of error, an original
board

board of compensation, and a variety of subordinate tribunals, were established; the legal reader thereby enjoys important subjects for comparison or review.

That research will, however, only qualify him for an extensive discussion on the *taxes, resources, raw materials, and finished manufactures of each island*; on a perfect knowledge of which, their vital interest and permanent connexion depend. Members of the King's Inns may, in that wide field, mark their characters as statesmen, and exert such enlightened efforts in defence of the country. The English Bar is smothered by a surrounding superiority of state talent, and therefore wisely pins its fame and fortune on professional pursuit. Ireland afforded a different school, and in every period poured from the Society of King's Inns its most eminent statesmen; whether armed with official power, fortified in opposition armour, or in dignified retirement planning more impartial and permanent benefits for the community.

This nation was entrusted to the general guardianship of an imperial Parliament in 1801. Presuming (as it becomes me) Irish Unionists sincere in their political creed, and happy in its enlargement, as a measure which dispenses equal and permanent benefits to both Islands, I can vouch for the following general sentiment among the opponents of that measure: That the active exertions of British Senators, in Irish affairs, will form the great balm to heal and eradicate their strong discontent. What!
shall

shall the enlightened guardians of British freedom review with genius and capacity the diversified concerns of a great empire, from its most extended interests to the minutest detail, and affect indifference or ignorance when Ireland or the state of its inhabitants forms a subject for debate? If a fearless and faithful display of *native legal establishment* has been sincerely devoted to the common interest of both kingdoms, and their perpetual connexion, I am intitled to excuse for the following impartial opinion: That the most softening feature of the Union, and its only palliative in the eyes of disinterested men, will be the active exertion and common interest assumed by British Senators in the internal management or statutable improvement of Ireland.

On the latter point I can assure unprofessional readers, that legislative provisions have been already enacted in favour of this country, hostile to our *degraded aristocracy*, and that settled system of corruption, which it was *their private interest to support*. As the first effect of such attention was extended to confer a lasting benefit on the King's Inns, I conceive it an auspicious omen towards the progress of our necessary works, and trust that Parliament will immediately enable Government to discharge its just debt to the Society of King's Inns for their estate, now occupied by the *Four Courts and Public Offices*. The erection has been permitted at the desire of Government, and the national faith is pledged for a recompence; nor can any disbursement be more popular, as the expenditure will not only be within
the

the kingdom, but directed to its lasting benefit. Such, however, is my confidence in the benignity of our Sovereign, and the wisdom of Parliament, that if the Society had no just or acknowledged claim, each would sanction this great measure of legal symmetry through both kingdoms; which, bottomed upon English practice, will give a lasting cement to the Union, and strengthen imperial safety by the salutary prejudice of an equal education.

When literary copyright was to meet equal protection through the united kingdom, (in which instance the provisions of the Union tended most undoubtedly to an encouragement of literature, and a common imperial benefit) a Law was brought into Parliament for that great end. Official duty and professional zele equally impelled me to arrest the passing moment, and secure (if possible) a partial but permanent supply to the *Society of King's Inns*, and its new Library. Unwilling to excite jealousy among Irish friends, by a communication to a few in exclusion of others, or the delay which a *solemn reference to Benchers* would occasion, I conveyed the request *to the present Speaker*. That respectable gentleman conceived it a measure which merited immediate support; nor has his kind attention been limited even to that lasting benefit.

Whilst the *Minister of Ireland*, he added a valuable present to our Library, and, since his return to England, has determined to enlarge it by books of great value in the legal and constitutional history of
our

our empire. Such are certainly those compilations published under the authority of the House of Commons. With blended sentiments of gratitude and patriotism I avow the preceding facts as apposite to my subject, and affording a decisive proof, that Mr. Abbot was the faithful guardian of Ireland before he touched its shore, and has continued its concealed, but steady friend, since his elevation to the highest office in the power of the people to bestow. The hostile parties of this distracted land felt and acknowledged his personal administration as dignified by œconomy, integrity, and perseverance.

Such a man was calculated to seal the Union, and remove resulting discontent, by calling into immediate action the promised benefit of English improvement. The Irish nation also shewed itself deserving of *faithful and upright ministers*, by the firm popularity which was attached to such activity, and that unaffected regret which accompanied his unlooked for departure. Truth obliges me to admit that he had a numerous corps of malignant and unforgiving foes ;—jobbers, and their entire suit ; public defaulters, with their interested and pampered dependants, bore him a rooted, unrelenting hatred. The lustre of his public character would be incomplete, if its spirit had not provoked such resentment, and set the malignity of slander at defiance.

No fellow-subject is more exempt than I am from any official favour received through that channel ; the tribute may be trifling, but flows from public feeling ;

feeling; for Irishmen know, that the unremitted labours of my life have been directed to national good; and as Providence has not favoured me with a situation to render important services, faithful industry shall be exerted impartially to applaud official integrity, and what is often more useful—to drag forward mysterious or presumptuous placemen, and sacrifice them on the altar of public justice.

As the King's Inns Library has been thus consecrated to the profession by statutable notice, and the flattering protection of an imperial Parliament, the reader may naturally expect, from my situation, an account of its foundation and existing state. No evidence appeared that a Law Library was at any time established in the King's Inns, nor does the Statute of 1782, incorporate such hope with that of a projected Hall. As the convulsions of nature often lead to useful discoveries, so the genius of jobbing occasionally gives birth to a public spirited establishment.

Mr. Justice Robinson died in 1787, possessed of a large and valuable library. At that period a considerable annual sum accumulated in the Treasurer's hands, not only without interest, but subject to an uncertainty of re-payment. The Judge's friends wished to assist his family by an immediate purchase. The Society had also some liberal and enlightened Members, who looked forward, through a trifling loss, to a great national benefit. By this united strength, the professional part was secured, whilst such portion was left to his representatives, as would meet

meet a profitable sale at an Irish market. However, the collection reserved for the King's Inns, formed a more general Law Library than existed in this kingdom. An excellent assortment of Civil, Canon, and Scotch Law books, compose that selection, with the usual mass of Equity and Common Law. Considerable additions have been made; it cannot, however, boast of many scarce or valuable books; lettered taste has not materially corrected selfish designs, or superseded architectural extravagance.

A complete set of the Byzantine Historians fell in my way. That central arch between ancient and modern history has been acquired, which exhibits an unfading monument to the honor of the Bourbon line, who encouraged and rewarded the legal and clerical translators, or annotators. But as public repositories have their principal use in furnishing the studious with scarce books, a valuable collection of pamphlets graces the King's Inns shelves. This species of writing is subject to immediate destruction, and considered by proprietors or readers as adapted only to the spur of an occasion, therefore undeserving further notice or care. Yet the preservation of these nervous productions, forms not merely an object of literary curiosity, but national importance. When measures are fully felt by a restive or tame populace, such essays arrest the passing storm, catch the manners of men, and discuss, with promptitude and vigour, cotemporary topics. Their rancour or party spirit thus eviscerate every national subject which

which interests or alarms a free people. Such is their merit at the moment, whilst they present to posterity a diversified model of the times, and furnish ample materials to an enlightened and philosophic historian.

The King's Inns Library is furnished with this well-chosen supply of valuable tracts, in which may be seen anonymous, but unadulterated effusions of the most eminent men, and upon every measure which occurred in their time, exclusive of intrinsic merit, the names of a *Robinson and Somers* (who were attached to such compositions) entitle them to the notice or perusal of a legal reader. Under this impression, I have disposed the pamphlets for a particular catalogue, and a facility of access by having them marked and lettered on the back. In whatever manner the wild and ill-considered speculation of Chambers may terminate, stability seems to attach to the King's Inns Library, and even a gradual increase under the Copyright Act, sufficient to encourage a full completion of the original design from the funds of the Society.

A material judicial arrangement took place in this year, and under a similar authority. For near two centuries the English Master of the Rolls has determined causes, and been, in that respect, a collateral judicial assistant to the Lord Chancellor. In Ireland no similar duty was performed previous to the Union. That great measure, however, led to the alteration, and has in that respect operated to a bene-

ficial effect. It was conceived, that the Irish Chancellor would feel it necessary, or pleasant, to spend some part of each Session in London. The increase of equity business bore a proportioned correspondence, not merely to improved wealth of individuals, but to practical fraud, and intended injustice or delay; therefore two Courts of concurrent Chancery jurisdiction were requisite to keep pace with multiplied suits, and administer relief here as in England.

Every modern correction of Irish administration or judicial practice, clearly exhibits ancient and inveterate abuse. The legal tenure of a Master of the Rolls is admitted, by the repealing Statute, to be during pleasure, and the Sovereign enabled to give the new possessor proper judicial permanence. What a complete legislative answer does this enactment exhibit to the presumption and tyranny with which *Mr. Rigby's patent* was shielded from senatorial censure, or legal attack! Similar reasons restored the office in two subsequent grants to statutable propriety—parliamentary influence was sustained thereby. Thus, corruption succeeded to barefaced prerogative, which baneful principles illustrate with alternate, but unerring effect, the full features of our blemished Constitution. The late Duke of Leinster succeeded to Mr. Rigby, and a Peer of both kingdoms dwindled into an officer of Chancery, who had, however, as a predecessor, an English Peer, *Lord Berkley of Stratton*. On his Grace's removal, this lucrative sinecure was divided between two
Irish

Irish noblemen, to whom, on this statutable settlement, adequate compensation was given. The office, thus altered, was conferred upon a Baron of the Exchequer, whose retreat from public station met every possible respect which a learned body owed to a most accomplished brother, and to which expression I subscribe with sincere and disinterested regard.

As variations from Common Law authority mark the Statute, and give added jurisdiction to the Master of the Rolls, it may be doubtful whether it would not be more useful to suitors, and better answer the ends of modern justice, to give this great officer a complete and independent judicial power, with an immediate right of appeal to the House of Lords. Nor need this militate with his subordinate Chancery position in other respects, and particularly in preserving and arranging those national evidences, of which that ancient magistrate, and the Lord Chancellor of Ireland, are the constitutional guardians, and sworn interpreters.

These important offices are now filled by Irishmen, whose personal friendship is cemented by political union. Similar sentiments warrant my freedom, which combines private regard with public principle. Laborious industry and legal capacity may satisfy suitors, or the limited ambition of an ordinary Equity Judge, but the country exacts from Ponsonby and Curran more permanent services, and extensive duty. A fortunate moment enables them

to knit judicial fame with the law, literature, and improved property of Ireland.* The mutilated records, and insecure private or personal evidences, imperiously call for an immediate, accurate, and extensive review. The arrangement and preservation of such invaluable materials is attached to their care and control; let me then rouse them, *as by Ireland's united voice*, not to overlook this interesting business. England and Scotland have set the example, whilst preceding

* A friend applied in this first week of September, for direction or advice relative to an enrolment of an ancient title; the necessary answer was discouraging indeed. This led to reflexions on the state of existing muniments or records; on which he informed me, that Sub-commissioners from England are in Dublin on this important embassy. These gentlemen may ascertain facts, but an Irishman alone can illustrate local or native records.

Many such are in English archives, where the services of the preceding persons might originate; a few are also in the Irish language, and would probably be as unintelligible as *Plautus's Play*. The Union operated with sudden and incredible effect, if Englishmen feel as ardent or disinterested zeal for the legal lustre of Ireland as natives; but what is extremely singular, Irishmen of every class seem to be proscribed by such mission. Could a new commission from the Crown originate in that manner? The authority of 1800 was confined to Great Britain; it even preceded the Union, and does not extend to Ireland. Submission thereto may not operate as an implied repeal of that important Statute, but is certainly an insult to national honor and independence. As an humble guardian of the Irish Constitution, it would be treason in me to overlook such innovation, which can be easily remedied or improved in a legal manner, and thus reflect honor on the administration of Russell.

preceding neglects must enhance present exertions; nor can it be doubted, that grateful posterity will properly appreciate the enlightened deed.

As the pure administration of justice, and respectful attention to its ministers, merits public legal notice, it naturally forms a part of this History. Then be it remembered, that a Statute which enables Sheriffs to pay for the lodging of such Commissioners, was enacted in this Session. These officers are to be allowed, by a certificate from the Judges, such expence, so it exceed not twenty pounds each Assizes.

On the introduction of circuits into this kingdom, Sheriffs, from policy, vanity, or a sense of duty, went to an extraordinary expence in entertaining Judges and their suit. The reader has seen the manner in which that abuse was mildly corrected in the reign of Charles II. much to the credit of that Monarch's good sense, and the public spirit of his Ministers. Irish history or custom, when faithfully related, appears like a transcript from an English record; with such close similitude do the inhabitants of each country act under equal circumstances. Let us therefore view how this matter stood in the sister kingdom. The reader must know, that the mischief grew to such an height in England, previous to 1573, as to merit the interference of Queen Elizabeth.

That

That Princess ordered her Privy Council to send a circular letter to the Sheriffs of England, stating, "That the great burden and cost of said office, by the large dyets of the Justices of Azzize yearly increasing, have obliged many gentlemen meet for the office to make strong solicitations to avoid that burden;" and it appearing that the petitions of Sheriffs for such expence to her Majesty's Exchequer, shewed that more was charged than in reason ought to be allowed. The Queen therefore determined to sustain the Judges from her coffers, and notice was given, that in future Sheriffs should forbear further diet, but to assist the Justices servants in all such matters. As this mandate may lead to a neglect of proper exterior shew or real attendance, that has been enforced by national wisdom; whereas in Ireland there exists no such specific provision, and some Sheriffs have been weak enough to think that species of respect a personal degradation; as if Royal commissions could be well executed, except every person concerned therein felt an animation of loyalty and good manners by a prompt discharge.

Elisabeth's wisdom recommends and justifies an honorable and favourable usage to Judges and their train, for *their painful and careful administration of justice*—sentiments which out to be engraven upon every Irish mind, and never forgot by judicial interpreters. On the 5th of June the Treasurer stated, "That several persons intruded into houses in Mountrath-street belonging to the Society, and that a communication was opened at the rear of the Courts

Courts of Justice, between the ground of the Society and the White Cross Inn." Notice was ordered by the Bench to be served on said several intruders to quit the same immediately, and if they refuse, to serve them with ejectments. The door of communication from the White Cross Inn was also to be stopped up. Subsequent silence upon that head makes us presume that obedience was paid by the intruders to the preceding mandate. However, it seems those houses were in a completely ruinous state, so as to warrant an apparently vacant possession; yet from the nearness of the Four Courts, a reasonable rent may be expected,

Our new site near Henrietta-street is in truth so remote, and utterly incapable of a general or uniform improvement, that many wise and reflecting readers will conceive an enquiry ought to be made whether ground, sufficient for an Hall, Chapel, and Library, still remains near the Courts; and further, in such case calmly to determine on the propriety of pulling down the present structure, and applying the materials on that adjacent spot. The loss on the present ground must be borne, and will probably be sufficient, without adding thereto its fixed and incurable situation. Should builders decline to take it, an experiment of Chambers may even be tried, which can never rise materially in value from the mere propinquity of an Hall and Library.

On the 23d January, an order ascertains that the Society had still some ground at the east end of the
Law

Law Offices on the Inns-Quay; for the Commissioners of Wide Streets applied to the Bench, that whenever they should lay out that ground for building, it may be according to a red line laid down on the Commissioners map, with a view to open the quay between Charles-street and the Four Courts. The Bench most properly complied with this request. If this ground remains unlet, it could not be inconvenient, and affords proper fronts. Pursuant to an order of 6th November, 1801, the Treasurer made a report of salaries paid to the officers of the Society, and on the 23d of January, 1802, he was ordered to print his said report, along with an abstract of his accounts.

The Irish Lord Chancellor attended the memorable Session of 1801, but his death took place in January, 1802. The British Cabinet determined with promptitude, and did not give much consideration to the struggles of Irish party.

The new Chancellor was not more remarkable than the office from whence he was removed. That gentleman shifted from the situation of Attorney General, in the preceding year, to that of Speaker, though the office of Master of the Rolls was then vacant, and could not possibly be refused to his solicitation. But I presume that the new administration conceived him still better adapted for the senatorial chair, and pressed a favourite into that service. By this singular movement he exchanged the certain prospect of a lucrative and permanent equity position,

tion, for the flippery and stormy rank of Irish Chancellor. Unknown parties and a strange country were also to be tried, instead of experienced friends in his native land.

The period also required consummate talent, with a complete abhorrence of passion, prejudice, or loquaciousness. Envenomed internal factions indulged unusual malignity, whereby Religion, Policy, and Law, were directed as instruments of personal power or increasing emolument. His public conduct exhibited an ambiguity which might, with propriety, induce him to confine attention to Chancery business, and unite, by this wise but unambitious conduct, national approbation of acknowledged equity experience, and technical accuracy. An useful practical treatise anticipated judicial skill, with an indisposition to, and ignorance of, State business. Besides, the Union rendered an Irish Cabinet unnecessary, and, in the opinion of many intelligent Irishmen, pernicious. Such hitherto subsisted as a screen between the English Government and this kingdom, to which may be attributed much domestic tyranny and discontent.

The preceding system diffused an anxious spirit of enquiry, and rendered the leading traits of his Lordship's character tolerably well known. It was a matter of legislative record, that he moved and supported the Statute for relaxing and repealing certain Popery Laws. This afforded excessive joy to the Roman Catholics, whilst Orangemen were convinced

convinced that further or complete indulgence could not be granted by the new Ministers, as their official situation originated and hung upon that singular tenure. The personal or political foes of the late Chancellor were highly pleased at the disappointment of any fatellite of his; for opposition did not expect that such a situation would be offered to a member of their party. The Chancellor's approach was in that quarter remarkably popular, and could only be shook or subverted by subsequent events.

The wisdom of our Constitution annexes to great offices certain ancient fees, which, whether existing under Common or Statute Law, so far lighten the Royal establishment, and give a recompence to the individual in proportion to his presumed personal labour. Places have thus, by the flux of time, shifted in emolument to inconsiderable value, whilst rank and precedence remain unaltered. The Chancellorship is, however, that high and laborious station, which, when conscientiously discharged, claims an ample and easy recompence. That officer is not more bound to keep his Sovereign's conscience, than to preserve, by precept and example, a spirit of justice through the land. This forms no impediment to private friendships or personal regards, and only discourages an indulgence of passion or prejudice.

The Union Act exhibits another instance of precipitancy or omission, with respect to the Great Seal; the possessor was amply recompenced *as*

Speaker

Speaker of the House of Lords, and not delayed for such specific provision, or referred to a board of commissioners. Equal reason applied to preserve the office in adequate independence. A clear income of 10,000*l.* British money was secured, from the appointment of Lord Redefdale, *to him and his successor*; nor can the salary appear disproportioned to the existing wealth of the country, or a fair comparison with earlier times,

On the revival of the King's Inns in 1607, its emoluments are ascertained to be four hundred and twenty pounds, exclusive of ancient and established fees—a greater sum than the present, whether we consider national finance, or the real value of money at each period. Had the office been filled by an Irishman, this enlargement or permanence of income might not be bargained for or obtained; at least those on this side of the water who applied for that situation, bottomed their hopes of success on the necessary curtailment of official income. But the alteration was useful and well-timed, as by it the symmetry and dignity of the Irish Constitution is preserved,

As far as opponents to Lord Redefdale's appointment existed, party jargon could only rest upon his temporary retreat from active profession, and by that means presume him disqualified for the new station. Considerable industry in this circulation failed of any successful effect; for it was generally and justly believed, that where a branch of science is extensively

sively read, and not confined to the smartness of shallow practice, judgment will contribute to strengthen memory, and render such knowledge indelible. Ignorant Judges may, however, become private gentlemen in the evening of life, and if vulgar malignity imputes vice to legal skill, it is in their power, fortunately, to bury both in one common grave.

But the profound erudition of an elevated class cannot so easily evaporate. A Malone, a Tisdall, or a Pery, could not, in the preceding manner, shake off close connexion with the Society of King's Inns. *Abeunt Studia in mores*, confirmed early habits would infect conversation, and become the favourite pursuit of old age. Every learned profession affords similar examples of perseverance without the allurements of interest or ambition. Thus, from lengthened retirement and lettered ease, Vaughan, when called into action, adorned the judicial seat with highest talent, whilst Somers, Hardwicke, and Wilmot, dignified declining life by a disinterested attention to polish past precedents, improve existing practice, or perpetuate both blessings by a melioration of Statute Law. The craft of subordinate legal men was directed to watch the new Chancellor's pride, vanity, or party feelings. Professional patronage may be thus acquired at second hand, and the regular power or assumed influence of a stranger, become an original instrument and final victim of Irish prejudice or passion. The entry by which Lord Redesdale is enrolled in the Admis-

sion

tion Book of the King's Inns, conclusively illustrates that system of innovation which animated the managers since the year 1782, and became a practical grievance from the death of Lord Lifford.

His Lordship is first *admitted a Member generally* of the Society, and in the succeeding paragraph *elected a Bench*er of this Society, and *admitted to his Chambers*. Were that nobleman to enquire into the variation of our Society from English Inns, how fraudulent his mode of information, if he relied upon the preceding authority. No such double admission had ever previously been made; the intent was to counteract the simple mode of former admission, and intimate that *Member*, did not mean *Bench*er, in ancient time. Concealed documents, mysterious management, and fraudulent entries, must form an hallowed union to support a tyrannic charter. After a proper period of time such men would have their historian, and prepare the venal satellite by suppression, mistatements, and assertion, to cover the blushing and maiden imposture with a literary veil.

At this moment the reader is roused by the sound of Chambers—his Lordship was not obliged to make a deposit; the Treasurer more generously, and without sollicitation, bestowed the same. That gentleman well knew this munificent present would not delay or obstruct the design; he should, however, have given the new Chancellor credit for declining a remote, improbable, and unnecessary convenience. But had the money already misapplied been preserved
with

with proper care and œconomy, Henrietta-street itself might by this time be purchased, and the present ground form a cheap garden annexed thereto. The general building was to that period well supplied with money, and exhibited a suitable appearance, to the great discontent of the Treasurer, and the particular partisans of Chambers. But during the late Chancellor's life, silence and submission were necessary. No sooner was that nobleman united to the departed sages of the profession, than the expected schism broke out, which operated during the Treasurer's existence, and will most probably delay each structure for an unknown period of time.

On the day of Lord Redesdale's enrolment into the Society, a young gentleman, in every respect unexceptionable, after the closest and most malignant scrutiny, was postponed in his intended call to the Bar, for a reason unheard before in the British Empire.—Objected “That he had been expelled the University, and had been guilty of seditious practices.” These joint reasons require a separate consideration. University discipline has no necessary connexion with the Society of King's Inns, and in that respect is intitled to no further consideration than as an authentic record of a well-regulated, grave, and reverend body. The cause of expulsion is not even recited in that act; it may also occur for an error incident to youth, and affix upon the future man no possible stain.

A female companion detected in his chambers, or an youthful quarrel, the effect of inconsideracy and drunkenness, may lead to, and justify amotion from College. I do not mean to palliate the immorality of growing manhood, or the high-minded excess of honorable feelings, by the inveterate example of malignant old age; my objection is to affecting such conduct by a disproportioned and double punishment, or strengthening party venom and prospective tyranny by the fatal precedent. The expulsion may, however, be founded on a generous principle, whence mild and well mannered minds would forebode unshaken honor and public spirit. Suppose a collegian, at a future visitation, to refuse the *ex officio* oath, or to render it intelligible—an obligation to criminate himself or other persons, by exposing the effusions of social confidence, and thereby obtain through life the name of informer. Without enquiring how many eminent Lawyers disapprove of that oath, as a remnant of clerical craft, equally hostile to presumed innocence or the common law, what sensible Irishman would, after such amotion, doubt the party's firmness or integrity.

Suppose a Visitor or Provost to interfere in an election for Parliament, (as Visitors and Provosts have done in former times) and that just indignation or warm friendship dealt unmeasured abuse to either delinquent.—In a collegiate point of view this conduct ranks among the *majora crimina*; the reader need not therefore doubt expulsion would be the immediate consequence; or to close the argument, had

had the father of the late Earl Clare held the Great Seal of Ireland, or an high judicial office, when that nobleman canvassed for the University; if a duel was conceived necessary, and a fatal event took place, (as the father of an only son, I can appreciate the affliction of such a man) how many surrounding sycophants would suggest or support immortal vengeance? If they recommended the hapless survivor to bar his entry into an Inn of Court, English Benchers would impute the application to fixed insanity, and probably exercise instant activity to obtain the vacant situation.

It is my wish, and shall be an unceasing exertion, that the Society of King's Inns may, to future ages, exhibit an equal degree of wisdom with their English brethren, and a correspondent integrity. I must therefore solicit the reader's patience for the second charge, or imputed guilt of seditious practices. Under a well-balanced government, this is the hereditary cant of party :

- “ Which mixes in its feverish schemes
- “ Credulity, and doubts most wild extremes ;
- “ Presents a glass, whose different ends
- “ Debase our foes, and magnify our friends.”

When carried beyond the Courts of Law, an attempt to punish political zeal, or even indiscretion, must be considered as treason to the true spirit of our Constitution, and therefore merits the appellation

tion of folly or villainy in the extreme. In such a state of things, what honest man would be safe.

When Mr. Pitt and Chief Justice Mansfield opposed each other for Cambridge University, such of their partisans as were either *vulgar* or *venal*, bandied the hackneyed phrases of *sedition* or *corruption*, and applied them to either gentleman as interest led, or malevolence suggested. Did these aspersions fix any lasting stain upon eminent character, would it warrant Lincoln's Inn Benchers to postpone Mr. Pitt's call in 1781, because he was politically linked with the *sedition* opponents (harsher descriptions were even applied) of Lord North? Yet that illustrious youth bore a name equally revered by the British nation, and remembered by her foes. Such was, however, an empty accession of political strength, compared to his personal talents. The awful mantle of paternal eloquence formed an heirloom in his inheritance, which precious gift enabled him, with the vigour of lightening, to melt corruption on her gilded throne, or spread dissention through a maddened land.

In 1782, Mr. Mansfield, on a change of administration, was removed from the office of *Solicitor General*. As there was no reason assigned for his dismissal, brother Benchers may presume it for seditious practices, and originate a malignant party decision to that dreadful effect. Names alike eminent for legal capacity and state talent are thus invoked to form a saving precedent for the growing hope of my coun-

try; whilst I humbly implore God, as with the last gasp of expiring nature, that his outstretched and almighty power may ever uphold the legal genius and free Constitution of Ireland against the errors of ignorance, and hypocrisy of tyrannic designs.

Historic duty would be, however, feebly discharged, if the event and motives which led thereto were not concisely explained. After a Term's interval, the young gentleman's affidavit accompanied a petition; he therein disclaimed all traitorous or seditious practices, and challenged his envenomed, but concealed accusers, to adduce the slightest proof. Some Benchers and Barristers testified to his good conduct and character. Under all the preceding circumstances, and after so solemn a delay, he was admitted to the station of Barrister. Bacon wisely observes, that precedents which blend various matter, take deep root, and dispense lasting benefit or mischief. The foregoing attempt partook of that complex cancerous quality; it was therefore requisite that every fibre should be eradicated to complete the cure. Why were voluntary affidavits demanded, or charges destitute of original proof persevered in? Had such a severe trial been exacted from John Fitz-Gibbon, in what manner could that respectable gentleman produce Protestant vouchers? Education in a foreign college was a statutable offence; its avowal would subject the father and son to severe disabilities, whilst the refusal of an affidavit might justify partymen in barring his entry to the King's Inns. No act so subversive of legal liberty appears

appears to have been then expected ; such malignant practice was reserved for modern tyranny, and its abandoned effrontery.

When the struggle terminated according to my warmest wishes, I mentioned to the Treasurer, with apparent indifference, that expulsion from an Inn of Court was not unknown, as in the case of Sir John Davis, who was for such conduct banished the Middle Temple. This concealment was declared to be unkind, notwithstanding my known desire that the young gentleman should be admitted. It was even added, no mention would be made of it until the business had been over, and then merely to support interior authority, and inspire Students with a salutary terror. But how widely did the circumstances differ ! Sir John's outrage was in the Dining Hall, in the presence of the Benchers, without soliciting an explanation, and for which he obstinately refused to make an apology.

There was full proof of the fact, and the amotion was to be continued only until he made gentlemanly reparation : the English Chancellor even personally interfered to restore general harmony—so rare was insolence or oppression at that period in Inns of Court. His Lordship met in his own time a suitable reward, by the credit which a subsequent patronage of Sir John attached to his name ; and as to posterity, he is known to them merely as a Lawyer, Statesman, or Writer, by Davis's immortal page. Methinks the preceding anecdote should cau-

tion *College or King's Inns Governors* to dispense acknowledged authority with paternal tenderness towards the future pillars of *Religion, Liberty, and Law.*

If feeble but faithful efforts have been directed to give equal and impartial protection to legal Practicers in every class, I may be excused in avowing a predilection for University Students; an unshaken friend is intitled to add, that regular and correct conduct at College supplies a defect of genius; but guided by good sense, and graced with general learning, forms an irresistible claim to personal rank and respect: I may emphatically term it, *the nobility of the people.* Prosperity thereby receives added pleasure, and misfortune is disarmed of half its terror. Under this impression I feel a College expulsion, even a family affliction, and, until properly explained, a great personal disgrace. However, in my opinion, injustice alone could superadd a *King's Inns attainder.*

This movement to strengthen University expulsion by a legal edge, resembled most modern innovations. The extensive evil was hid from ordinary view, and tended to injure that authority which it seemed to support. Were the preceding measure carried, and tamely submitted to by the individual or nation, no sensible parent or spirited scholar would run the risque of this union of despotism, or enter into one Society, where accident and honor may preclude or cancel the admission of another.

England

England and Scotland present their fostering arms to Irish youth at as moderate an expence as Dublin can exhibit; nor would the change be confined to persons intended for the Law; it must include three fourths of the Irish University.

Whilst fashion would consecrate and perpetuate a practice which sprung from personal honor and public pride, be it remembered, that such a theatre of education was the constant custom for four centuries. The King's Inns Fellows in 1607 were bred at English colleges; for at that period university improvement uniformly preceded a study of Law, and our Irish seminary was merely in its infancy. But tyranny and passion counteract the reflexions of patriotism or wisdom, otherwise so horrid and inconsiderate a proposal as the preceding would never stain the Rolls of our Society. The reader's good sense can apply similar reasoning to other attempts, and be thereby further fortified in every position of life, to resist the inroads of usurpation, and condemn the most plausible approaches of discretionary power.

The Chamber taste had been merely suspended during the late Chancellor's life, and his chosen or confidential friends did not conceive personal influence or political power to hang thereon. A new Committee was therefore appointed on the 18th June, 1802, "To report what buildings may be made for the purpose of Chambers, and how far it will be necessary to purchase the ground of tenants."

The

The reader will at this time conceive, that it may be wiser to enquire whether such were at all necessary, and as to the tenants interests. That prudent moment was passed; the Society funds rapidly lessened, whilst the boundary towards Glassmainoge road unaccountably arose; nothing but the inability of the Society to purchase, or an express determination to that effect, can reduce this enhancement to its proper level.

There was no delay in the resolve, for on the 7th July, 1802, "The Committee reported that the plan laid down includes ground of which the Society is not seized or possessed, and do not recommend the Society to purchase it, but to lay out so much of the ground as is convenient according thereto, and give notice to persons willing to build conformably to said plan and elevation, to be prepared by Mr. Gandon." Such was the result submitted by the Committee, and acceded to by the meeting. In the year 1794, the Treasurer's architectural designs were offered, considered, approved, and suspended in four short months. The reader will not find a similar expedition exercised to effectuate the preceding order. Meantime near ten thousand pounds for rent and collateral expences attended the ground.

However, the Chamber party was preserved in high spirits and good humour; for though the summer was spent in inaction, the subject was resumed on the first meeting after long vacation, and on the

6th

6th November, 1802, "Enquiry was made whether Mr. Gandon furnished to the Treasurer, for the use of the Society, such plans, elevations, and sections, for building Chambers, with notice for him to bring in the same." The Treasurer was well acquainted with my opinion as to the motives which generally lead to, and the effects which always attend ill-considered reform. Neither power, friendship, nor self-interest, controlled my avowed condemnation of every innovation subversive of our connexion with the sister kingdom, or respect for its legal body.

The ancient and undoubted right of English Barristers to be called to a similar rank in this kingdom, was founded on immemorial usage and existing rules of our Society. Such privilege was covertly repealed by the ill-considered Statute of 1782, which created the new-fangled position of Students in Ireland. The King's Inns Society was a most honorable but voluntary association for Irish Practicers; but without any design or authority to prepare youth for legal rank or professional station. If a lust for lucre, patronage, or dominion, be not referred to as the cause of such innovation, no other object can appear, save an affected independence, or intended separation from England.

Irish attendance at English Inns of Court was established by the earliest custom of our Law, and the connexion of both islands thereby confirmed. Thus, Tudor's Statute was not the enactment of a novelty,
but

but a declaration of ancient and existing Law. The name of Lord was altered to that of King of Ireland, and merely recognised the antecedent ties of allegiance. With a similar view, Students who had been resident for years at English Inns, had an exclusive right to practice at, or be called to, the Irish Bar.

Majesty itself was precluded from directing any other approach, or preventing, under proper qualifications, the subject's inalienable privilege. The new rules were formed without any chartered or statute authority, and merited reprobation as equally hostile to Prerogative, Liberty, and Law. Two or three English Barristers did not meet an instant call, and were too indignant to solicit as a favour, what was a known hereditary right, much less to mould themselves into the habit of Students. In this manner the question was talked of, but never met a regular discussion or vote. My view of the subject was uniform and unfading; a moment also approached, when Law and Justice were likely to be recognised.

Lord Redefdale's nephew was an English Barrister, and on his removal to this kingdom, very justly expected and claimed an immediate call to the Irish Bar. On the usual day, to the complete and praise worthy subversion of a criminal innovation, without any reference or postponement, his English situation met proper respect and undisputed admission. This measure fulfilled my preceding
ing

ing private efforts; far from fullying the independence of Ireland, *procul absit infamia*, this Work upholds national statute law, hereditary custom, and useful practice. Opponents can only defend existing innovation by an abandonment of the preceding salutary provisions. The consequences to the connexion of both kingdoms are also alarming whether an exploded Charter be reviewed, or our present position considered.

A writer who feels more for permanent personal dignity, or the public good, than transient popular approbation, or the protecting smile of power, must often approve of a measure, and yet withhold a similar testimony from its supporters. In the preceding instance known connexion smoothed the way; for had the Irish Chancellor been an importation of inferior rank, or did the British Cabinet, *as in former times*, transport a *blemished Practicer* or *broken Tapster* to fill that high and venerable situation, King's Inns History assures us, that the follower would meet a ready reception,

Two gentlemen have since been admitted without any attendance, as Students at the King's Inns. Though in the last instance the full expence of such admission was superadded, the amendment of the presumed prohibition forms a pleasing omen of useful alterations in internal concerns. The Bench may be deemed inactive, but not vicious, whilst vanity and interest exhausted the ingenuity of a few in a lust for dominion, masked under a spirit of reform.

Let

Let the habitual dignity, integrity, and wisdom of legal Practicers openly and firmly unite: our Society will then assimilate to English Inns of Court in popularity and merited respect. These observations precede, with peculiar aptitude, a singular and unwarranted change, equally variant from acknowledged ancient usage, or established modern practice.

The public mind cannot be better prepared for a calm consideration of the important subject, than by a recital of the memorial from the resident Attornies of Cork: "It states Cork to be a city opulent, commercial, and populous. That there are generally thirty resident Attornies, who are all admitted of the Superiour Courts; the greater number of whom served apprenticeships to Attornies resident in Cork. That there is a Court of Record which sits once a week, the jurisdiction of which is unlimited in personal actions. That Quarter Sessions sit to try misdemeanors weekly, whereby apprentices have an opportunity of practical improvement in civil and criminal business. That much conveyancing is done in the City of Cork, which they go through with the assistance of their apprentices, but except resident Attornies are permitted to take apprentices, it will be impossible so to do."

Were there no other object in detailing the preceding authentic voucher, than exhibiting to the British reader that justice is administered in an emporium of Irish trade, with a regularity and promptitude

titude equal to the extent and importance of its concerns, it would require no apology : but four years have elapsed, and yet the business hangs undecided ; no apprentices can be taken by Cork residents, whereby that ancient city may be said to lye in a state of legal blockade. Let us now calmly enquire how this matter stood in ancient time ; next, its position under King's Inns authority ; and lastly, the settlement by that body since the year 1789.

I have perused the entries on the revival in 1607, at which time Barristers and Attornies are described by their places of residence. Not a single Attorney appears from Cork as enrolling his name in the King's Inns, nor even through the entire reign of James I. except one gentleman of ancient and respectable family in that district, a Mr. *Thomas Goold*. The reader will hardly believe, that no such order of men existed as Cork Attornies in the reigns of Elizabeth or James. The Presidency Court of Munster was then held in that city, though occasionally adjourned to Waterford or Limerick ; it was even moved, upon extraordinary calls only, into Kerry or the Palatinate of Ormond.

The wealth of that district has, from time immemorial, uniformly flowed from a fertile soil, unaided by manufacturing industry ; whilst Conaught trod close on its heels from similar aptitude of ground, and famous harbours ; a provincial legal establishment marked the latter province. The King's Inns does not enroll a single Conaught Attorney during
the

the reign of James. Constant and most important appeals were, however, brought to the capital from Presidency Courts, and certainly managed, in the Attorney line, by an union of provincial Practicers with resident brethren in Dublin.

Castle schemes, or perverted prerogative, afforded a quick succession of landed suits, and eminent Barristers were thus animated by ambition and lucre to improve, with all possible perfection, legal talents. The trade of Ireland almost entirely consisted of southern exports, and supplied no small number of legal contests. Is there any further proof necessary of resident Practicers who never moved in professional pursuits from these remote provinces? The remainder of Ireland was in a different position both as to Trade and Law. Leinster, destitute of any capacious port, merely supplied the capital or the neighbouring island; whilst Ulster added to comparative barrenness of soil every horror incident to an unsettled government, or recent theatre of civil war. Thus, Commerce and Law generate and protect each other; by their united force a thriving manufacture has elevated the northern part to a level with Leinster, and rivalled the natural advantages of the southern or western frontier.

The social effect of trade extends a peculiar interest, but combines therewith national wealth and the happiness of mankind. As the subject is closely linked with the growing greatness of Ireland, truth binds me to affirm, that no country has a greater
variety

variety of unexplored or extensive materials for permanent and progressive opulence or strength. Let a political Archymedes mould such machinery to State purpose, and the country will afford a wide field for diversified industry, in giving food or raiment to distant nations, and receiving in return essential comforts or innocent luxuries. Under existing circumstances or imagined improvement, Cork, from its situation and surrounding territory, must take a lead in any approaching danger of invasion, or arrangement of imperial defence.

A diffusion of legal knowledge has been ever felt in the province of Munster, and with peculiar energy at its head quarters, or capital town. Resident Attornies have therefore from the accession of James I. received and instructed apprentices, who afterwards became Practicers, alike eminent for professional talent and personal integrity. Two Chancellors of Ireland were natives of that country; men opposed to each other in ambitious pursuits, and eager to give added nerves to King's Inns authority. Did not a century succeeding the revolution justify adherence to the established system?

Until the famous Charter of 1792, no innovation upon this point was looked for or expected. Did the nobility, clergy, and landed or commercial interest of that district make any complaint as to legal abuses or the comparative inferiority of resident Cork Attornies? Was it not the constant custom for gentlemen of that profession to reside occasionally

sionally in either city, and appoint persons living in Dublin to attend office business? Does not a similar practice prevail through the sister kingdom? And who can justifiably arraign the good sense of Englishmen, or the purity of their legal system? When the Benchers consented to a repeal of the reprobated Charter, and thereby prevented the Barristers' petition from being presented to Parliament, was there any reserve as to the new rules or admission that abuses crept into Irish practice, which called for King's Inns management or control? But it is observable, that even during the existence of that arbitrary power, and when the framers conceived the system successfully braving professional resistance and public indignation, a Committee of Benchers was authorised to confer separately with a Committee of Barristers and Attornies concerning such rules for the better government of the Society as relate to these respective professions. Such were the sentiments of a ruling faction in the plenitude of imagined despotism.

When that fabric was demolished by professional zeal and parliamentary wisdom, did the corrected and humbled planners assume moderation or inactivity from recent defeat? The reader will feel a surprise suited to King's Inns incidents, when it appears that abandoning or forgetting the communion of a Bench Committee with Barristers or Attornies, the present rules originated without order, were reported on the 21st of November, and on the 5th of December, 1793, confirmed by a council of *ten Members.*

bers. On this *singular, contradictory, and eccentric position* do the subsequent proceedings hang.

Cork Attornies may calmly submit to the national humiliation, and not dare to enquire who were their particular oppressors. But new rules did not merely affect personal independence or pride of character; they struck at professional consequence and interest. It was meanly imagined that Dublin Practicers would feel a partial pleasure by the exclusion of Cork residents: that, however, was not the case: at no period did the general conduct of all Practicers merit more public esteem than by this indisposition to accept the benefit of servility, as a premium for consenting to the depression of brethren in profession. Usurpation, though destitute of collateral support, enforced the novel design.

An obstruction as to apprentices was introduced with singular activity, and persevered in with unbending obstinacy. Two most respectable residents of Cork applied under such an avowal for permission, according to the new rules, to take apprentices. Thus, King's Inns ambition or avarice were equally satisfied; the former by this tame submission to a singular innovation, and the latter by a ready acquiescence in the parties to official taxation. The reader will please to understand, that the young gentlemen were to be for two years of their apprenticeship attending Terms in Dublin, under the eye of their masters, or the partners of those Practicers. Indeed the parents or guardians would demand and expect

expect such a measure without any exertion or assumption of King's Inns authority; and satisfied therewith, had full reliance that the remaining period of apprenticeship must be as usefully spent in Cork, with respect to professional experience, gentlemanly manners, or moral character.

The measure was solemnly debated in an extremely full Council,* and after a patient hearing of all

* This question would not have originated, produced any discussion, or at all events hang undetermined, if Lord Carleton (the Recorder of Cork) held his judicial station, or continued to reside in Ireland. I have abstained from official compliments; for what has been mentioned of the Irish Chancellor, Master of the Rolls, or Mr. Fletcher, arose from previous intercourse and solemn conviction. As to present character, if elevation alters or debases their conduct, an incitement to virtue becomes only an added reproach, whilst the national interest is certainly the prime object of my pursuit. Absence however, like death, consecrates connexion; therefore the language of truth, and dictates of friendship, must not melt beneath the pressure of cautious restraint. A long, and, let me add, uninterrupted acquaintance with Lord Carleton enables me to appreciate his public and private character with tolerable precision. The professional walk of a Barrister merits only observation, when such person has never ascended a judicial seat, where an independent situation frees the man from any necessary duplicity or disguise. If industry joined to talent, a spirit of justice tempered with mildness, and gentlemanly manners dignifying both, form an undisputed claim to respect, the late Chief Justice of our Common Pleas is fully intitled thereto. He quitted this country to the general regret of legal Practicers, and without leaving a single personal enemy among its hostile parties. Such is the final triumph of correct temper and conduct even amid the bustle

all its opponents, determined upon with almost unanimous consent. In ordinary societies this point would be considered settled; but in a sage and sapient conclave, secure from precipitate and unprovoked revocation. New-fangled power and irresponsible authority were confined within such limits; matters went on in the new but acknowledged manner from May 1795 to June 1802. Time was consecrating the acquiescence of the former body, and the authority of the latter began to ripen into usage, when lo! an unexpected opposition gains ground. On the 25th June, 1802, a gentleman resident in that city applied for leave to take an apprentice, but the measure was postponed without any assignable cause, as the entry terms it, until the rules by the Bench thereon be examined.

King's Inns malignant craft, and proscriptive tyranny could alone suggest a novelty so unexampled,

P p

and

bustle of political and judicial conduct. But his Lordship is not lost to Ireland or the Empire; senatorial situation enables him to continue those services which every man owes to his country; and professional talents have an exalted and most useful exercise in the discussion of Irish appeals. English Judges, however honest and learned, (qualities which they most certainly possess) must often find it necessary to attend to an Irish legal construction upon particular subjects. Their Court of King's Bench has for ages adopted that salutary maxim, even the local equity of Ireland has been sometimes shook, and property irregularly divested by inattention thereto in the English Supreme Court of Appeal. The purity of that august assembly I acknowledge and revere, therefore only add, that a Peer bred in Irish Courts must, in such cases, materially aid or suggest accurate and enlightened decisions.

and a delay so absurd. A close review of statutable authority and Common Law principles combines with a full recollection of Bench entries from the revival in 1607, when I affirm, that no previous precedent warranted the restraint or innovation of 1795. This stream of information was not, however, necessary to fortify memory, or guide judgment to a proper decision. The King's Inns page, alike eminent for negligence or surplusage, furnished a full and recent regulation. In May 1795, two resident Attornies of Cork were admitted to take apprentices. Mark the words of the Bench Order: "*Though they do not reside in Dublin.*"

Earl Chatham, and Mr. George Grenville, quoted the same Statute to support and abolish that Stamp Act which taxed America; it will require equal talents in the abettors of the preceding attack to extract similar principles from the studied contradiction of modern orders. If solemn caution and awful delay exhibit proofs of fixed integrity or professional wisdom, this measure affords a sufficient example; for a further postponement took place. On the 24th of January, 1803, the subject again appears. Was it determined? No such thing. With a spirit not ill suited to a German dyet, the matter was referred to five Benchers. That Committee have not to this hour made a report; the preceding statement may therefore direct the judgment of honest and honorable men.

General

General principles can be strengthened by a particular example, and the worth of resident Cork Attornies measured under that impartial standard. A more eminent Attorney, or accomplished Clerk of the Crown cannot be reviewed, among the hallowed dead, than Thomas Chatterton. He may be presented as an official pattern in either department, for professional skill, unblemished integrity, and personal politeness. Historic truth is not in this instance sacrificed to feelings of friendship, and the tomb which has closed upon his person enables me to record distinguished worth without an imputation of flattery.

The reader can easily see, in numerous instances, that the provincial character of Munster, in our time, upholds its hereditary name for *Law and Learning*, for *Genius and Courage*. The preceding correct statement will be (I trust) sufficient to protect respectable legal Practicers from an unwarranted stigma, and continue to a powerful, opulent, loyal and enlightened district its customary convenience. Four years have, however, elapsed since that hasty suspension took place, which I have shewn not to be more variant from ancient and approved practice, than from a modern, well-considered, and existing order.

A momentary inspection of the King's Inns Rule Book will not merely justify, but enforce from men of honor a report in favour of the Cork Attornies. Minuteness is excusable upon this important subject,

in which pursuit patriotism combines with gratitude. My professional exertions were first known or encouraged by *the people of Cork*; nor am I more connected with them by corporate freedom than personal feelings. The legal Practicers of that city resemble the great body of its inhabitants; they are as respectable as any such class of men in the British Empire, and highly intitled to King's Inns enrolment and protection.

Did not accident dictate the propriety of presenting this interruption to acknowledged and hereditary practice, as the last rule of that sort which stains this modern book of entries, its intrinsic weight would justify such conclusion. For what can be more extraordinary than all the circumstances which accompany it? Four years elapse, and no report—a great district is legally proscribed, not merely without any foundation, but in despite of an existing, unrescinded, modern order. If King's Inns rules had been published, malignity could not suggest the attempt, nor secret influence enforce it. From that moment no material novelty occurs either of affected external regulation, or real internal control.

Enough, however, has appeared to rouse general enquiry, direct suitable caution, and confirm legal Practicers in a sober steady pursuit of fixed independent establishment. For that purpose I have not drawn the reader's attention from Society concerns by an historic commentary, nor interested his
passions

passions by the introduction of any individual as the particular framer of the preceding singular scenery. The present page leaves that legal problem to public conjecture and personal research, but what is material to the interest of empire or the honor of Irishmen, has been faithfully pourtrayed. This full statement may lead to calm professional discussion, and prevent party influence or private regards from obtaining an improper ascendancy. A detail of the last three years would obstruct that design, though many movements of the Benchers within the Society, and legal body at the Four Courts, have been eccentric, original, and interesting. These incidents claim equal attention with more ancient times; but such description shall, *when further materials occur*, form a supplement to this History.

As I have drawn to a conclusion of extracts from, or comments on the entries and Benchers orders, the reader shall have my opinion upon that singular compilation, for the Society ought to be benefitted by a regular publication of existing rules; such has been the mode adopted in English Inns of Court, and Dugdale in that branch of research merits the name of their historian. Nothing could heretofore rouse Irish Benchers to a manly rivalry or generous imitation; by that neglect many documents, which time would render valuable, have perished for want of care, or through design.

Where the interior authority of the legal Society disappointed my research, the recollection of general

ral reading, or collateral props of parliamentary and juridical records supplied that defect. Thus, the best grounded part of this compilation is entirely unindebted to the industry of the King's Inns Society, or any of its Members. Succeeding times may, however, profit by preceding defects,* and the King's Inns Treasury be equally respected for official

* When Lord Chancellor Ponsonby obtained a silk gown, an accident arose which led to the following attempt, so characteristic of that troubled Irish period, and its projected party movements: He was elected a Benchman, in the usual course, on being appointed King's Counsel; yet such was the negligence of King's Inns entries, that his name, as such, does not appear upon the books. The Treasurer's research equalled this detection, who reported it to the Chancellor, and told me with apparent exultation, that Mr. Ponsonby's benchmanship hung on their pleasure, but at the same time added, that it should not be enforced for any difference in political opinions. I cautioned the Treasurer against a circulation of such an imagined party manœuvre, as it must lead to a parliamentary review of the Society. Possibly a pliant senate may decline the discussion; but such refusal would operate like an electric spark upon the Prefs, and rouse the united powers of Law, Satire and Eloquence, to vindicate a glaring wrong, which struggle might also weaken or change his situation. Cerberus could not be more easily charmed into somnolence; for whenever partisans resumed the subject, the Treasurer warmly declared, that a clerk's negligence should not deprive any Member of a known right, or operate against an hereditary practice. My political and personal attachment to the present Chancellor possibly injured the Society more than 20,000l.; for the interior of the King's Inns would be then instantly exhibited to the British Empire; but the labour of this lengthened compilation may operate as a penance for that well intentioned mistake.

official accuracy, financial integrity, and literary arrangement.

In the latter essential quality truth obliges me to affirm the preceding book to be extremely defective; its entries seem to be the vacation exercises of their venerable author, narrowed and amplified as memory served, or inclination and leisure directed; many are therefore totally omitted. In this instance I will treat the reader as professional duty would bind me towards an enlightened Judge; one proof shall be adduced, *concise, apposite, and authentic*. There is no entry from the 31st of January, 1793, to the 17th of November, 1793, two complete Terms, in which there must have been meetings for the admission of Barristers, Students, and Apprentices; beside, three thousand pounds were received within that period, and better than one thousand pounds expended on incidental and new expences, without any recognised authority from the Bench. Two issuable Terms also interfered without notice or account, as if the standing rule of 1789 had become an *illegible ancient record*.

If defective entries merit such animadversion, improper surplusage is entitled to equal censure: objections, postponements, and enquiries are exhibited in unnecessary length; then brought to an abrupt conclusion, and the reasons for final decision entirely withheld from view. In the preceding instances the names of gentlemen need not be continued, where the object was contradicted, defeated,

or

or completely trampled under foot ; but favourite principles and persons must be protected from profane exposure, or the laboured machinery might be rendered useless, whilst baneful precedents are exhibited, which justice must consign to the contempt of impartial and enlightened posterity.

Yet what credit ought an interested entry or unpublished record have against personal freedom, prescriptive practice, or Statute Law ? It would be a baseness well deserving servitude, in legal Practicers, to submit to such shallow designs. Where antiquity lent a doubtful, or even reprobated example, it was to have biblical weight ; but principles of reason, or the practices of heroic ancestors were to be treated as innovation or romance. The internal concerns of the Society resembled the position of the nation at large ; every accidental abuse of the English system became a recorded authority ; even words receded from their ordinary meaning to support taxation, and sanctify jobbing. The reader has already seen the motive for every variation, with the corresponding effect ; he will therefore feel no difficulty in a transition from interested misrepresentation to the pen of indifference and truth. The Treasurer was at all times the principal officer of this voluntary association, which situation was no further profitable than that the party often contrived to obtain a lease of King's Inns ground, and transfer the same to posterity, as was the case with *Santry, Temple, Lowther, Meredith*, and other Treasurers. When the estate had been completely disposed of, all patronage or profit

profit ceased, for the few remaining rents were barely sufficient, with termly pensions and admission fines, to uphold collateral household expences. In this manner matters stood until the suspension of Commons and abandonment of Chambers in 1742.

An event then arose, credible only in an History of the King's Inns: As the Society sunk into a decline of poverty, its management became more profitable. Chancellor Bowes, satisfied with official attention to his Sovereign's conscience in this instance, neglected his own. This Treasurer continuing twenty-five years, and to his death, contributed to strengthen a popular and professional mistake, that the office was an appenage to the Great Seal. To that sentiment, or a disposition to flattery, the reader will impute holding that station open until the appointment and arrival of Lord Liford. That nobleman had no literary taste, nor indeed did he render himself contemptible by an affectation of it. The track of office was, however, easily attained. The Steward gave him the humble, but useful instruction of receiving the rents, or other profits, and being satisfied therewith. No alteration disturbed this quiet, until the well-known Statute of 1782 threw in added fees, and rendered the receipt more lucrative, without any benefit to the profession, or useful national object.

The reader cannot forget with what promptitude a Treasurer was elected on the death of Lord Liford.

ford. Dignified resolves accompanied that change, and operated as a temporary atonement for preceding malpractices. Vices often resemble poisons, and as powerful medicines are extracted from the latter, salutary principles flow from the former. No theory so guarded can protect King's Inns management with more powerful effect than an authentic exhibition of its systematic progress. Each ruling party professed reform, and made it the screen of concealed enquiry or further speculation. Let us fortify these awful, but useful principles, by modern and undoubted facts.

Since the death of Lord Lifford, better than 100,000l. has been raised by discretionary assessments or legal stamps, of which sum full 40,000l. has been wasted or misapplied, and an expensive, doubtful, singular suit, instituted to ascertain the remaining expenditure. An extorted publication of accounts ascertains that solemn fact. Without such added light, dominion would appear a system of mystery, and men of sense be destitute of any clue to unravel its object or end. A similar income still subsists, and requires equal notoriety as to its necessary application or use, whilst an enlightened body seem called upon to ascertain legal rights, and make institutional rules or internal management assimilate with the professional societies in Great Britain.

I have exhibited ancient, existing, or approaching abuses; but with a more ardent desire to applaud distinguished worth and unsullied integrity; the

the former exertion, however, is necessary to give weight and consistency to an indulgence of the latter. Under the influence of such sentiments, the reader will naturally expect my undisguised opinion on the operation of preceding practices, and what species of improvement is most likely to give permanent dignity and acknowledged integrity to the Society of King's Inns, especially as that body sanctioned for the last fifteen years so many reprehensible acts.

Such continued and versatile variation has produced a singular and unexampled appearance; new and heavy taxation sinks under the pressure; buildings have been in forwardness, whose beauty cannot atone for the expence; ground has been taken, and the mischief perpetuated at a rent so extravagant as to shock, by comparison, all surrounding jobs; the old estate artfully and precipitately leased; whilst a situation is substituted, distant from the Courts and Public Offices, and in no respect central or convenient to Practicers and Suitors; the ancient and constitutional connexion of the Irish Society with the parent stock weakened, if not entirely dissolved.

The profession of Attornies blemished by a presumption that they are disinclined to take proper apprentices, and indifferent to personal character or professional dignity; which innovation has been productive of a double mischief, for the judicial authority is removed to a greater distance, whereby

whereby an ancient and beneficial principle of Law is nearly subverted, whilst the solemn public opinion of sworn ministers of justice is anticipated or counteracted by the concealed votes of a mixed body, unguided by similar rules, and irresponsible to any known tribunal for the due exercise of discretionary authority.

The Royal character has been in every part of this system defrauded of its ancient influence; and acknowledged prerogative through both islands trampled under foot. This novelty favours of democratic craft or an oligarchic design, and has sanctified schemes equally hostile to the dignity of the Crown* and the interest of the subject; for a barrier

* Let us see how prerogative has been smothered by crafty men, for the purpose of narrowing Society management into party control. Mr. Isaac Corry is a Barrister, and was for some years Chancellor of the Exchequer; Sir John Newport, the present possessor, is also a Barrister. The usual compliment due to that high judicial station has been withheld by this absurd limitation. Earl Donoughmore is a Barrister, whom legal descent might introduce, and Exchequer situation entitle, to similar rank. Earl Buckinghamshire is heir to as great a Judge as ever graced Westminster-hall. Mr. Wesley Pole, a descendant of many ancient Irish Judges, and even of an original Grantee in 1542. Earl Limerick, heir to that true Patriot Lord Viscount Pery. Earl Granard, heir to the most spirited opposer of James II. and what operates with me as a great collateral merit, brother-in-law to Earl Moira. Would the preceding list republicanise a legal Society, or tarnish an honorable roll? In the Charter we see the Seymours, yet they as well as the Knoxes, officers of King's Bench and Common Pleas, whether disfranchised without

rier is opposed to his Majesty, and the profession by the limitation of Benchers; cooptation confirms the malady, and creates a mutual interest to protect such abuses as accident or design may introduce even into the best regulated system. The introduction of Attornies apprentices did these young persons no service, and fixed an improper stigma upon their masters. The admission and termly attendance of Students impliedly repealed existing Statute Law, and tended to a future severance of both kingdoms, presenting to that horrid principle a precedent and apparent excuse.

If any part of the community should cling to a constitutional union of both islands with added vigour or energy, it must be the legal body. Was King's Inns management to be purchased at so severe an expence? Yet without such a view, what could be so befotted as the change of situation for youthful study? Nor were the periods of adoption and revival less alarming than the principle itself. At the former moment, in the year 1782, the connexion of this country with England had almost become merely fœderal; preceding legal misinterpretation,

without cause and entry, or not elected, both seem to lye under similar proscription, with about twelve of his Majesty's counsel, two Serjeants, the Solicitor General, a Master in Chancery, and the Utter Bar. If King's Inns innovators were equally respectable for birth, courage, fortune, or talent, such a catalogue might relieve the feelings of vain persons, as if the Society's internal tyranny and plunder received an adequate counterpoise in the lustre of dignified oppressors.

tation, and assumed supremacy of English Government, threatened its utter subversion. In the year 1792, republican maxims were circulated with an insane industry, and the legal links between both kingdoms branded with the harsh and unmerited names of English tyranny and Irish servitude; nor was my fear without foundation, or the principle permitted long to slumber in abeyance.

In Hilary Term, 1793, three Students applied for a call to the Irish Bar, merely by answering the new created attendance at the King's Inns. Persons unsworn may wilfully or unknowingly overlook an ancient Statute, and even affect to consider it obsolete; whilst the Chancellor and Judges are bound to remember and observe the entire existing code. The prevalence of public sentiment was thereby exhibited with an inconsiderate vanity in the individuals to create a new legal precedent; which mischief, however, originated from obliging Students to attend at King's Inns in defiance of useful practice and Statute Law. Interested innovation and eccentric claims mark, in chequered variety, different Members for the last fifteen years. The mild or quiet spirit of calm and disinterested men was unequal to uphold habitual and correct principles against the active perseverance of vain or designing reformers.

But if the profession is roused into action, interference should be exercised with cool wisdom and public spirited views: such conduct forms the only specific which can radically correct or remove these
singular

singular and irregular variations. Let ancient customs meet proper respect without servile adherence, and necessary alterations be adapted to the benefit of future generations without attending to the transient humour of the present time. Legal study, unseduced by avarice or ambition, inclines men to cherish order and well-balanced authority. Such is the system which the English code exhibits in theory, and enforces by practice; it must therefore be a solecism that legal Practicers should not, within their own circle, establish that integrity and freedom of which, through society, they are the known interpreters.

The King's Inns, as a voluntary association, can sanctify correct arrangement, and if an Act of Parliament be requisite, the whole body may concentrate their judgment, and possibly anticipate the voice of national wisdom. Let an attainment of power or separate rank cease to be the chief object, and the Society will no longer sustain a blemish by rules which are either unknown, or when published excite alarm and discontent. Preceding evils may thus operate as an useful lesson, and fanciful orders, which have loosened our connexion with the sister kingdom, yield to new bonds of internal concord, and settled resemblance to the English system.

The most ruinous vice of our time is an hasty and selfish spirit of reform.—Cameleon-like, it assumes every shape, and affects to relieve mankind from the trouble of taking care of their proper interest.

terest. Were all existing Benchers examined, and deceased brethren invoked for the awful purpose, how few would avow, or even recollect, the several novelties collected in the preceding pages. The reader must excuse me for adding, though recent the period, and authentic the documents, my situation frequently resembled that of the painter who trembled at his own drawing, merely because the picture was natural. In whatever country revolutions prove successful, or innovations become the ruling order of the day, the actor in such busy, and generally guilty scenes, will feel a similar surprise if he survives to peruse that historic page; whilst authentic facts must favour of romance, when compared to the professed schemes of parties on the outset.

By what enchantment could Malone or Tisdall anticipate the existing situation of the King's Inns, if the profession exhibited an uncommon elevation of obscure men, an unblushing forwardness combined with an ardent appetite for power, and an undisguised pursuit of self-interest with a perjured denial of such intention, an awful change would be predicted; but should the fearful event be verified by a variation of liberal rules, and gentlemanly customs for tyrannic mandates and pedantic exercises, indignation must smother surprise. Even in that hot-bed of legal or political reform, the Gallic nation, a greater thirst for dominion, a more arrogant disposition to abuse it, or a more concealed management for the attainment, has not been discovered or displayed.

Fortunately

Fortunately the means to strengthen or perpetuate this mischief are on the decline. Our incorporation with the sister kingdom must bring the influence of local faction or growing separation into added disrepute. The British Empire is interested in this great measure; honor or infamy must therefore proportionably attend individuals who re-establish former order, or confirm the disloyal change. Principles require adoption which do not lead to an indulgence of power, partiality, or jobbing, but the permanent benefit and just protection of all legal Practicers.

Be it remembered, that heavier taxation has been levied in Ireland for the King's Inns within the last fifteen years, than Great Britain exacted or expended for similar purposes in half a century. Meantime, has affected reform led to improvement? whether referred to projected Chambers, legal lectures, classical learning, or constitutional instruction. Have the promised rules been steadily adhered to, or only upheld and receded from as self-interest or party principles inspire? As the spirit of innovation extends its most powerful operation over future Members, in what manner will the morality of youth, among a free people, be affected by a visible abuse of usurped power, a negligent abandonment of confidential duty, a direct breach of trust, or an obstinate adherence to detected error.

The institution merits perpetual establishment; and when alterations correspondent with our imperial
Q q connexion,

connexion, and assimilating thereto, are adopted, there can be no doubt of a general concurrence in the useful design. The first movement to this great end will be an immediate publication and proper distribution of the termly accounts; to the observance of which, an existing and most useful rule binds the proper parties; otherwise King's Inns concerns will be as unknown in Dublin, as at Madras. Government and Parliament may then encourage the institution by the payment of a just debt, for upwards of 50,000l.* attaches as compensation for the

* Let me concisely state the extent and foundation of this important claim; however, previous to a final settlement or full compensation, the real amount can be ascertained with integrity and precision. Six hundred and thirty-four feet, or upwards, of King's Inns estate has been occupied and built upon by Government for great national purposes, under the express direction of Parliament. One guinea and an half per foot could be easily got for this front ground, which also extends one hundred and sixty feet in depth. A rude estimate makes the annual income one thousand pounds. Thus, since the year 1776, 30,000l. has become due.

Government shall have their election to pay this moderate perpetual rent, or to become the proprietors by purchase. Where such an honest solvent tenant is in possession, and under extremely moderate terms, I cannot rate the inheritance at less than twenty years purchase. Thus, 50,000l. remains due to the Society of King's Inns. The value of many hundred square feet are not included, but which have been attached round said buildings to render them secure from fire; this would carry correct calculation to nearly double the above sum. The kingdom at large, and Dublin in particular, will consider full and instant compensation a wise, an honest, and popular act. Such a legal fixture will

the ground now under the Four Courts and Public Offices. This fund will remove every embarrassment.

As the reader must be satisfied that it is equal to the completion of the Public Buildings, with the addition of a proper place for prayer, and a considerable surplus towards the erection of Chambers, that fund will also afford an immediate supply to the Library, whenever that part of the building appropriate thereto is ready for the reception of books. Were the whole grant a voluntary effusion of Royal munificence and parliamentary wisdom, it must reflect honor on both, and be gratefully felt as a popular measure by every friend to his King and Country. It will form a dignified epoch in Irish History, that after the political convulsions of the last fifteen years, a Temple was erecting in this favoured isle, consecrated to Liberty and Law; and that the pressure of war so little affected public peace or prosperity, in a national or financial point of view, as not to abrogate or suspend the execution; whilst the Continent groaned under hereditary tyranny, or the more degrading dominion of selfish innovation and hypocritic reform.

The great preparatory step to this King's Inns establishment will be a correct arrangement of pre-

Q q 2

ceding

will not only please loyal and learned Irishmen of an elevated class, but gratify the laudible prejudices of an high-minded populace; and furnish them with a new motive to revere ancient Law, established Monarchy, and acknowledged Freedom.

ceding management and existing accounts. The system of the last fifteen years exhibits a prominent feature of the times, and (it must be added with indignant grief) of the country, in the unsettled state of pecuniary concerns between the late Treasurer and the King's Inns Society at the time of his death. His receipts and disbursements were not audited for the nine preceding years. Such neglect was highly criminal in itself, though no loss should result therefrom. This sable memorial forms an original precedent suited to a singular history, and which merits the notice of remote posterity.

Printed abstracts were made out for the use of the Society, and carefully distributed among the Benchers, or other Members. This possibility of an immediate review aggravates official misconduct, which mischief must inevitably attend every public body, if the party administering taxation has a concealed or confined control over the immediate audit of accounts. Let King's Inns rulers humble themselves to the level of Ministers and Senates; public character will be thus preserved by an encouragement of open enquiry. The legal profession in Ireland has received a most important change by the Union; as few practising Barristers can sit in Parliament, such situation will not form an exclusive path to promotion, nor ambitious parties find the management of that body, by direct dominion or secret influence, equally interesting. The political position of the Four Courts will nearly resemble its state under George II. when a saleable representation was not
octennially

octennially offered to the ambition or avarice of legal Practicers. Whilst Law and Politics mutually recede by a lengthened line of separation, Statecraft must lessen at the Castle, and the Cabinet of London be freed from Irish courtly control. The abuses of assumed supremacy, or influence of domestic parliamentary corruption, will no longer counteract the industrious habits of Irishmen; improved manufactures must attract commerce, which pursuit will work a national change of manners, and infuse prejudices similar to those of British fellow-subjects.

A review and publication of Irish establishments, with a faithful comparison between them and British practice, must gradually lead to that desirable end. This reciprocity of literary and political intercourse, will give added strength to the Union, explode unwise national antipathy, and prepare posterity for an enjoyment of that wealth, freedom, and happiness, which firm loyalty, faithful union, and unshaken public spirit, will certainly acquire. Every century since the Conquest produced an important change in the situation of each island. Law has, during that period, upheld a suitable ascendancy of progressive improvement, and thereby became an unceasing instrument of imperial prosperity.

The introductory path to that useful profession, with correct regulations for existing Members, becomes a subject not unworthy national notice or Royal countenance. A difference on that important

tant point between English and Irish Practicers exhibits an anomaly to our presumed political connexion. But when the variation has produced personal and professional mismanagement, or presents at a period, no matter how remote, a prospective separation, such grievance strongly affects every part of our extended empire.

The hostile factions of Ireland must change their views; an interested aristocracy will not be permitted to make the slander of opponents a passport to power or promotion; nor legal and political innovators confine their influence to Irishmen. As such speculation can only be reduced to practice by meeting countenance and support from British Senators, I submit these observations to the preceding classes of active statesmen, as an inducement to an alteration of manners, and moderation in selfish pursuits.

To the great body of my countrymen I respectfully recommend a strict and animated adherence to *established Law*. Great Britain within itself has shewn what effect two centuries will produce on a *wise and enterprising people*. The same period has also worked a complete change in the political strength of Ireland, and the personal views of its inhabitants. Unmerited persecution and systematic slander engendered an hardened bigotry or attachment to mischievous customs.

Equal as Irishmen undoubtedly are to the ancient Romans in *mental capacity or martial spirit*, let them
also

also rival them in civil wisdom, and adopt not only the approved practices of united fellow-subjects, but even of political foes. Necessity enforced such change in foreign lands, and patriotism should transplant it to their native soil. The time has arrived when similar sentiments suit the native inhabitants of the united kingdoms.

The imitative spirit of Irishmen may be accounted for by the political situation of this country. Official fraud, legal tyranny, and public plunder, gave to natives, unconnected with such faction, a restless roving temper, and confirmed, in exile, an hatred to domestic establishments. What sound policy ought to discourage in the reign of James I. has been completely corrected in our time by established Law. Let them then in future rally round a standard, which by unerring influence unites personal prosperity with public freedom. That growing sentiment will enforce the following opinion : That an assimilation of Irish Law* in all possible points with the

* Nothing is further from my mind than mere imitative uniformity ; I would proscribe such servile resemblance, but substitute the provident spirit of English Law for interested innovation and unprincipled patronage. Calm reflection and extensive review may thus counteract precipitate legislation, as well as purge the Statute Book from any existing blemish. The Irish Place Bill illustrates, as by a powerful comment, the folly of ill-considered imitation. The Union exhibited that Statute as only adding, like the conveyance by lease and re-lease, a new sentence or implied engagement to the transfer of borough property, but entirely in aid of Government. Lord Mansfield's criticism on

the English system must in a short period work a material alteration in the political habits of the people.

When that fortunate moment arrives, the place of nativity will not become a subject for criticism or censure; the relative situation of individuals only attract notice, and libellers of either island sink into merited contempt. By this means Irish establishments flowing from Royal bounty must be fairly directed to their original design, and rendered impervious to the dominion of domestic faction, whether wielded by the talent of opposition, or the strength of official station.

A spirit of dominion and lust for patronage were the motives which led to King's Inns innovation; thereby the approved and statutable approach to the Irish Bar has been obstructed, to the possible disunion of both islands; whilst the ancient liberal link, under which Attornies associated with legal professors, has been exchanged by usurped authority into unexampled servitude. Interested jobbers may smile at successful mischiefs, which proclaim the

on two Statutes merits perpetual remembrance. "These Laws have been directed to the same object, at the distance of three centuries each from the other, and make new provisions; whereas the Common Law warranted such, and with more complete effect." The observation of our countryman, Lord Hutchinson, shall be adopted in my intended comparison, or review, who, in conversation upon the subject, said, "Many internal Laws well suit one kingdom, which would be unfit for the other." A sentiment alike pregnant with integrity and wisdom, and worthy of enrolment in the Temple of Irish Legislation.

the triumph of cunning over common sense, and oppose private design to professional integrity.

But Ministers, Senators, and legal Practicers, owe it to their own honor, and by the ties which bind all good men to the country, to remove an encreasing danger. The manners of legal students will be thus moulded to a support of our excellent Constitution in all its branches. Uniformity of education upholds this pillar of imperial strength; for men accustomed to alternate servitude and despotism cannot faithfully administer Law in a mixed government, as such vicious habit must familiarise them to a crafty misinterpretation or tame surrender of national rights.



WE, the Benchers of the said Society, having full power and authority to make and ordain Rules and Orders, for and concerning the business and practise of Attornies, and for their admission into the said Society, as Members thereof; and for and concerning the admission of Students into the said Society; and for and concerning their being generally admitted into the said Society, and to Ranks and Degrees therein; and for the advancement of Knowledge in the science and practise of the Law;

And

And being convinced of the importance of the trust committed to us, and that the safety and enjoyment of the Persons, Property and Characters of the Inhabitants of this Kingdom, greatly depend upon the knowledge and integrity of those who are permitted to profess and practise the science and business of the Law.

And conscious that as the grant of that permission is entrusted to us, the reproach and crime will both be ours, if at any time we shall admit into this Society, through fear, favour, or affection, or slightly, or unadvisedly, any improper or incapable person, or finding him grossly such, shall suffer him to continue therein.*

Therefore, that the means of information and improvement may be provided and held forth to all; and that the Public may not be deceived by the sanction of this Society's name lavished upon the undeserving,

GENERAL

* The varacity of this paragraph, in point of legal right, appears perfectly typical of the professed integrity which concludes it. Preceding practice and authentic records contradict the assumed usurpation. Well may a nation feel just alarm when men capable of promulging known falshood as established Law, were Legislators, Judges, and Statesmen. It, however, received a taint of such manners, whereby posterity will find that period of Irish annals, "*opimum casibus, atrox præliis, discors seditionibus, ipsa etiam pace særum.*"

GENERAL RULES.



It is ordained,

I. **T**HAT from and after the first Day of Hilary Term, 1794, all computations of Time in the Books, and Business of the Society, shall be by Terms;

II. And that all Meetings of the Benchers shall be in the Hall* of the Society.

III. That from and after the said Day, no person shall be admitted a Member of this Society, neither specially (as a Student) nor generally, until he has given security by the Bond of two sufficient Persons, severally

* As if Providence intended to mark these rules by contradiction, I never knew a Bench meeting in the Hall of the Society; such have been held in different places; sometimes in the Old Library, in the Librarian's room; in the Treasurer's Office; at the Chancery Chamber; and before the Union, at the Chancellor's chamber in his own house, or that of the Parliament. This is no trifling confusion or disappointment to persons who have business at such meetings.

severally bound in the sum of 100l.* lawful Money, of this Realm, for his obeying, observing, and performing all Laws, Rules and Orders of this Society, and paying all Pensions, Commons, and Duties to the same.

iv. That from henceforth when any Rule or Order shall be proposed, for the better government of the Society, the same shall be posted up in a conspicuous part of the dining Hall, eight Days in Term, at least, before it shall be confirmed,

v. That no person shall be admitted a Member of this Society,† in order to his becoming an Attorney, who

* Even this practice was rendered oppressive by an arbitrary and improper construction put thereon. The parties must be resident in Dublin. Though suretyship is no gaining trade, I rescued the remaining parts of the nation from this unkind restriction. Having at the request of the Treasurer and Bench *acted as Under Treasurer for one entire Term*, when the clerk mentioned the office usage, I gave it instant condemnation, and allowed two provincials, possibly worth 40,000l, to join the principal in a King's Inns Bond for 100l.

† Until this moment of national and professional disgrace, the previous admission was never considered an indispensable preliminary to becoming an Attorney, though the latter situation qualified a gentleman to be a King's Inns Fellow. What man of profession must not feel a pride in being enrolled with aged and dignified brethren, until servitude rendered such a Society disgraceful? Westminster Judges have not been controled by such presumption from English Inns of Court; nor do I think it would be the less revolted from, if an evil usage continued them Members instead
of

who has not served twenty whole Terms as an Apprentice, to an Attorney, a Member of this Society.

vi. That from and after the said Day, no Attorney shall take any person to be an Apprentice who is not of the full age of sixteen Years; the same to be verified by affidavit, before a Judge, or Master in Chancery; nor without an Order of the Bench made upon a Petition,—stating, the number of Apprentices the Attorney intending to take such Apprentice, then already has; his place of abode, and whether he attends the Courts in Dublin, or not; the occupation, and place of abode of the Parents of such intended Apprentice; his age, and the course of Education he has before passed through. Such Petition to be lodged in the Treasurer's Office, before the Essoin Day of the Term; to be by the Treasurer, or his Deputy, read to the Benchers, and afterwards filed, and carefully kept.

vii. That before any Attorney's Clerk or Apprentice shall be admitted into this Society, in order to his being sworn an Attorney, he shall be examined publicly in the dining Hall* of the Society, in the presence of the Benchers and the Society, then

of being Visitors of that body. It is also my firm opinion, that when a case comes before an Irish Court under the preceding circumstances, the decision will be appropriate, enlightened, and just.

* If this dominion over Attornies was ancient and legal, still truth ought to accompany its enforcement. The preceding mummery

then there assembled, by the same Officers who now examine such persons, and by any other Member of the Society there present, who may think fit so to do.

VIII. The person so seeking to be admitted, shall also produce a Certificate of his good behaviour, from the Gentleman to whom he served his apprenticeship, if living, and in the Kingdom; or an Affidavit of his death or absence. And if any Master shall refuse to give such Certificate, he shall assign his reasons to the Bench,* who shall determine whether they be sufficient or not.

IX. That

mery was never intended for serious exhibition; without a character how could it be enforced? Yet legal Practicers have been hitherto such tame and voluntary vassals, that there seems no law or usage necessary to consecrate their servitude. The rules under that legal link had the following addition: "Such Petition to be afterwards carefully kept as evidence against the person *proferring* it, in case it should appear at any future time, that any thing not true was contained therein."

* Why apply to the Bench; or what had Benchers in England or Ireland to do therewith? There is not a *Scintilla juris Scripti, aut unscripti* to warrant this innovation. I have the Attornies resolutions in November 1792 now before me. If that period of tremor and threatened despotism did not awe them to silence, must not a display of ancient rights rouse spirited men to a claim of professional independence? Judicial authority governs us all;—that is not servitude, but legal freedom, and widely differs from an unsworn conclave of self-created governors. If tyranny is only exercised upon a few persons, it at least envelopes the profession, and must degrade the whole body in self-estimation,
as

ix. That from and after the last Day of Michaelmas Term, in the Year of our Lord 1793, every Person desirous to become a Student in this Society, shall by Memorial set forth the Name, Addition, and Place of abode of his Parents, and the course of Education through which he has before passed; and whether he has before been of any Profession, Trade, or Business, and what the same was, and wherefore he quitted the same;—which Memorial shall be signed by some Barrister of at least forty Terms standing, with a Certificate endorsed thereon, of his knowledge, or at least of his belief, and the grounds of it, of the truth of such Memorial; and such Memorial so endorsed shall be lodged in the Treasurer's Office, before the Essoin Day* of the Term.

x. On some Day in that Term, to be appointed by the Bench, the Memorial shall be read by the Treasurer, or his Deputy, in the open Hall; and if no objection be then made, and allowed, the Memorialists shall be specially admitted into the Society as a Student in the same; and shall then declare whether it be his intention to commence his

as well as that of all their fellow-subjects. Let this respectable body, at a public general meeting, calmly correct my errors, or adopt for their use and protection the proffered shield of Law, of Freedom, and of Truth.

* I understand that at this time the memorial must be lodged a *full week* before the essoin day of Term. The old edition of the Rules, in whatever hands they may fall, would lead to error, and this material change has not, I believe, been printed.

his Studies in this Society, immediately; or to repair to one of the Inns of Court in England, for the space of Time required by Law.

XI. If he chooses to proceed immediately to England, he shall be furnished with a Recommendation to one of the Inns of Court there, for his Admission into the same;

XII. But if he chooses to enter upon his Studies in this Society, and shall afterwards conform by the space of nine whole Terms, to such Rules as are, or shall be, made by the Bench, for the Government thereof, he shall have a Testimonium of the same, and be recommended to one of the Inns of Court in England, as aforesaid.

XIII. That any Person seeking to be admitted to the degree of Barrister, shall, on or before the Essoin Day of Term, lodge in the Treasurer's Office, a Certificate of his having kept eight whole Terms, at the least, in that Inn of Court in England to which he shall have been recommended; and if admitted of this Society as a Student, after the first Day of Hillary Term, in the Year of our Lord, 1794, a Certificate of his having kept Commons in the Hall of this Society, and attended and performed such Exercises as may be required, for the space of nine whole Terms, at the least; and shall, at the same Time, lodge there, a Memorial, directed to the Benchers of the Society, requesting his Admission to such Degree; and stating the Times of his Admission, as
a Stu-

a Student, into this Society, and into such English Inn of Court as he may have studied in; and also, his Age, and the Day on which he attained to that Age.

xiv. And on the first Day of that Term, a List of such as shall so memorial, shall be given to each of the Benchers, and a Copy of it posted in some conspicuous Part of the dining Hall.

xv. And on that Day fennight, the Memorials shall be read to the Benchers in Council; and the said Certificates laid before them; and they shall then admit, reject, or postpone for further Consideration, or remit to a further Prosecution of his Studies, such Memorialist respectively, as they shall see just cause for. And the Treasurer* shall cause

R r

a List

* This officer is assigned a proper place in the Charter Rules, and his duties explained, though no such are printed out in the present system. The Under Treasurer is thus described in the former: "The Treasurer shall have a Deputy, for whose acts he shall be responsible to the Society." A patronage was hereby usurped, subversive of ancient rule, but perfectly systematic of modern innovation. With a view to uphold and sanctify such system, "When a Bench Order required the Treasurer to give a list of officers in 1801, the name of Under Treasurer does not appear; but all the duties of this presumed temporary servant are referred to the principal; even the hours of office attendance are thus entered: "From twelve to four from a fortnight before the first day of Term, to the third day after the sittings in the Court of Exchequer." No rule was then printed enforcing the publication of termly accounts, though such exists on the King's Inns book. This has probably been the cause why

a List of the Names of the several Gentlemen so admitted, to be posted in a conspicuous part of the dining Hall.

xvi. Provided, always, that none of the foregoing Rules or Orders shall extend to, or affect any Person who shall have been entered in the Books of this Society, or any of the Inns of Court in England, or who have been bound Apprentice to an Attorney, and his Indenture enrolled before the first Day of Michaelmas Term, 1793; but every Student applying to be so called, to keep the whole of that Term in which he shall apply.

xvii. That for the Accommodation of all Members of this Society, Commons shall be provided in the dining Hall, during the Law Term; and in Vacation, during the sitting of the Court of Exchequer.* And the Time shall be divided and computed

no abstracts appear in print for the Society's inspection since Trinity Term, 1803. It is my firm belief, that the accounts have been made up with regularity, but official delicacy and intrinsic right enforce a public exhibition; besides, assiduous industry may enable me to correct any possible error or forgotten matter; honest persons must often, from ignorance, overlook or abandon well-founded claims or rights—my research is at the Society's service without expence, notoriety, or delay.

* Commons now end on the last day of the Law Term, and commence on the first sitting day. It was usual to send a gallon of wine as a present from the Bench table to the senior Barrister and senior Attorney's messs. Commons were curtailed to abolish this

puted by half Weeks, to commence on Mondays and Thursdays; so that if the first sitting Day of Term shall be on Monday, or Thursday, that day shall be the first Day of the first half Week. But if the first sitting Day of Term shall be Tuesday or Wednesday, Friday or Saturday, then the first half Week to commence on Thursday or Monday following.

xviii. But if any number of Gentlemen, Members, of the Society, not less than ten, shall, for their own convenience, chuse to enter into Commons at an earlier Day, or to continue longer, the Caterer shall provide for them; and all the Servants attend on Days notice, for that purpose, left by such Gentlemen, in writing, specifying their Number and Names, with the Porter. Such Commons, however, not to be deemed Commons* kept in pursuance of any Order of this Society.

xix. The second Thursday in each Term to be kept as Grand Day, and Exceedings on that Day to be at the Expense of the Society.

R r 2

xx. The

this expence and that of the Bench table, which was intituled to a similar quantity. At no period was such indulgence granted to the senior Student's mefs; all wine is at this time paid for.

* In the Charter Rules, Commons are not directly introduced, though reference is often made thereto. *A singular omission!* but the framers indulged such an appetite for despotism, as to sink the Society's regular sustenance for the promotion of that favourite end.

xx. The price of Commons to be fixed by the half Week ; and in order that the Caterer may know the number for which he is to provide, every Member of the Society, intending to come into Commons, shall pay the Price of the half Week's Commons, at least the Day before the first Day of that half Week, at the Treasurer's Office,* and shall receive a Ticket for the same, which is to be delivered to the Porter the first Day the Person so paying goes into Commons ; and in like manner every succeeding half Week.

xxi. Dinner to be on the Table precisely at five o'Clock in Hillary and Michaelmas, and at half past Four in Easter and Trinity Terms, and the Hall to be completely cleared in two Hours after. *N. B.* Five is now the fixed Hour in every Term.

xxii. That every Member of this Society, that has been or shall be admitted since the first Day of Easter Term, 1792, shall keep and attend Commons in the dining Hall, as follows ; or for each Day's Absence pay to the use of the Society, the amount in Value of two Days Commons, as rated for that Term, or Vacation, in which he shall so offend. And if he shall so offend in a second Term, he shall (if the Benchers think fit) be ordered to attend the Table, and be admonished. And if he shall

* This useful regulation deserves attention and enforcement. Terms can be frequently claimed as if attended ; and what is more material, I have known gentlemen refused regular Certificates, where negligence or drunkenness affected inferior officers. Observance of this Rule prevents any mistake.

shall offend again after such admonition, he shall be suspended.*

XXIII. Each Attorney at least one half Week in each Term not issuable, and one half Week in each first and last Week in each issuable Term, and at his Pleasure in Vacations,

Provided, however, that no Attorney who has been sworn, and constantly practised for more than twelve Terms, and has a settled place of Residence in Dublin, shall be obliged to keep more than one half Week† in any one Term.

XXIV. That every Student shall keep two half Weeks in each Term, and four half Weeks in the Term in which he shall memorial to be admitted to the Degree of Barrister.

XXV. And every Barrister of less than twelve Terms standing, one half Week in Term, and one in Vacation. And every Barrister of twelve Terms standing,

* An Irishman ought to be suspended, not from the King's Inns Society, but from that of his country who would attend to such unwarranted tyranny. The expence of a Charter I justly complain of, when its most exceptionable enactment is thus quietly enrolled and carefully concealed, until time, the consumer of other things, sanctifies the system.

† This is an obliging indulgence, where attendance was neither legally, nor by professional assent, required.

standing, and not exceeding thirty two Terms standing, one half Week in Term.

And it is hoped, that from regard to the Society, and for example, those of longer standing, Benchers especially, will be at least frequent in their Attendance, both in Term and Vacations.

XXVI. The Benchers not to receive any Message, or Information, in the Hall, during the time of Dinner, but by the Mouth of the Butler ;—and

The Butler not to receive any Message to be carried to the Benchers, but from the Senior* of a Mefs.

XXVII. Each Mefs to consist of ten Persons ; and when a Mefs is not complete, they are not to expect the Commons provided for a whole Mefs, but are to be served in proportion.

XXVIII. The Butler is to take Care, that the Messes are full, and to fill up any broken Mefs from the Table next below, so that there may not be more than one broken or incomplete Mefs on either side of the Hall.

XXIX. Bar-

* This singular restriction flowed in unison with the general system. The vice of *trencher* aristocracy was encouraged to delude fools, and still further degrade the profession. Negro chiefs in like manner displace their privileged slaves, if they can be convicted of not being insolent, oppressive and cruel.

XXIX. Barristers and Students to sit on the right Side of the Hall, as you look from the Benchers Table, and Attornies on the left.

XXX. One Mefs, at least, to be kept for the Benchers on each ordinary Day in the Term, and three on Grand Day.

XXXI. That the Commons* be the same at every Table in the Hall; the best of their kind possible to be procured; and the Head and Foot Dish, taken together, to weigh not less than twenty Pounds.

XXXII. Pay-

* This equality of Messes was circulated as a dignified forbearance, but it proceeded partly from craft and plain habits of living in the King's Inns Cabinet. Power was their favourite morsel, of which they claimed a monopoly at the expence of equals, intimates, or friends. Making a merit of similar dinners was even a proof of general studied separation in every other point. Though it may appear a profanation of Montesquieu to apply his sapient principles to mean manners, yet that great man says, "Leading men mould new institutions, but when established, they form the sentiments of a rising race." Whilst this illustrates the preceding equality of food, it proclaims, with prophetic strength, that national ruin which must result from protected corruption or fraud in internal management, and still more from confirmed tyranny or servitude in the Ministers of legal and political wisdom.

XXXII.

Payments to be made to, and for the use of,
the Society.

STUDENTS,

In order to be admitted,

Pay {	Fine,*	£5	6	8	}	£21	0	5
	Stamps,	10	0	0				
	Library,	5	13	9				

At this time £40 2 2, Irish Money.

BARRISTERS,

Pay {	Fine,	£5	6	8	}	£38	1	8
	Stamps,	10	0	0				
	Deposit for Chambers	22	15	0				

At this time £58 5 0, Irish Money.

The Deposit for Chambers to be allowed when the Gentleman shall purchase from the Society, Chambers or Ground to build Chambers on.

BENCH.

* The Butler was to collect the annual Pensions, and keep a roll of names, to enter therein all payments that are made, and to hang a fair copy of it in the dining Hall. These practical schemes were dissolved by public union, and existing abuses require a similar exertion.

BENCHERS,

Fine, £11 7 6

ATTORNIES,

At going Apprentice,

Pay {	Fine,	£2	13	4*	} now £5 3 4 and a stamp of £100.
	Being Sworn,	1	6	8	
	Depos. for Cham.	11	7	6	} £12 14 2 now £15 2 2

The Deposite to be allowed as above.

XXXIII.

* In the Charter Rules these important words, *besides fees*, are added, but the particular sum not mentioned. What a source for fraud, when promulged in a country where places are frequently valued, not by honest and authentic salary, but by usurped perquisites and official plunder. I thus attempt to ennoble the legal profession, by exposing its possible abuses, and directing such events to general use. Their Under Treasurer has a competent salary, without any permission to take the slightest fee or civility money; it is even made a penal condition in his bond, to presume to demand or accept any such. The Treasurer is also annual, and the Benchers under a constant mutation, exclusive of the shiftings in our political hemisphere. Thus, favouritism cannot long be upheld, nor official fraud extended, because it is unknown.

XXXIII.

Payments to be made each Term,

By BENCHERS,

Pensions,

£1 2 9

xxxiv. Every Member* of this Society, who pays the Sum of £5 13 9, to have the use of the Library.

xxxv. That the Society† shall pay all Taxes, paint all outside Work, keep the Roof in repair, sweep

* The Charter Rules imposed an annual pension of two pounds on Barristers, *Students*, and *even Benchers*. One pound on each Attorney, and ten shillings a year for the Chaplain or Preacher; ten shillings also in like manner for the Library. Poundage on this income alone would produce near three hundred pounds a year to the Treasurer. This system must be instantly acted upon, enlarged, and enforced, if the Charter Statute had not been repealed. Taxation was then confined to the junior tribe, by which means 100,000l. has been levied upon the profession to Trinity Term, 1803, and better than 45,000l. thereof wasted or misapplied, exclusive of what expence must attend a well contested law suit. Such are the fruits of undefined innovation, concealed management, and unaudited accounts.

† These Rules were confirmed, before any ground was taken for a new site. The whole system of pretended reform or lettered improvement terminated in usurped dominion, unnecessary expence, and incessant jobbing. I insert this building code merely to give the reader a complete copy of what are called Existing Rules.

sweep the Chimnies, and carry away the Dirt of all Buildings within their Precinct; the Tenant to keep his Tenement in order in every other respect, and to leave the same in good and sufficient Repair.

xxxvi. That none shall be permitted to occupy or inhabit any House, Chamber, or Office, within the said Precinct, but a Member of this Society, his immediate Family, Domesticks, and Clerks; but that other Persons may hold Ground therein, from the Society, for the purpose of building and letting Houses, Chambers, or Offices, to such as are qualified, as above mentioned, to occupy and reside therein.

xxxvii. That all Buildings within the said Precinct, shall be built according to Elevations, settled and approved by the Society.

xxxviii. That all Persons who are not Members of the Society, taking Ground for the purpose aforesaid, shall, before they are admitted so to do, give Security by the joint and several Bond of two sufficient Persons, in a penal sum of £500,* to abide

* There would be such a general and repeated forfeiture under this bond, that a King's Inns Treasurer must be apparently revered, and really acquire no inconsiderable influence over voters in the City or County of Dublin. How far that would promote legal learning or public freedom, is another question.

the Rules and Orders of this Society, to all that
to hold the same, to him, his
for and during the Term of
from yielding and paying
to the said Society, for the same, the Sum of
£ by the Year, by
Payments; and pays to the Treasurer here, the
Sum of £ as a Fine for the same.

*Whereupon it is ordered by the Bench, that
the said A. B. be, and he is thereby admitted ac-
cordingly.

AT

* As a waste of better than 40,000l. upon a receipt of
100,000l. may appear nearly incredible, the specific amount
must gratify the reader. It would ill correspond with my feel-
ings of honor, to display any accuracy of statement where a le-
gal suit is threatened, or has commenced. The reader must be,
however, satisfied with what close care I reviewed the abstracts,
and that I am competent to form an opinion how far the Society's
claim is well-founded or not. Meantime delicacy does not for-
bid a correct display of the sum levied upon the profession.
Better than 100,000l. was received in the Treasurer's office.
Let us now see how much thereof has been, in my opinion,
wasted or misapplied.

Charter, 423l. expended on the Music-hall, and in Towns-
end-street about 1000l. At the New Inns better than 2000l.
As the office of Treasurer is now discharged without salary, I
feel myself warranted to consider any fees paid to such officer as
lost to the Society. From Trinity, 1789, to Hillary Term,
1792, inclusive, 237l. 11s.; from thence to Michaelmas Term,
1796, inclusive, 4580l. 13s. 5d.; from thence to Trinity Term,
1803,

AT a Council holden the Day of
 in the Year of our Lord, 17 A. B. comes and
 surrenders to the said Society, all that
 to which he had heretofore; that is to say, on the
 Day of in the Year of
 our Lord, 17 been admitted as a Tenant for
 the Term of from
 the Day of in the said
 Year, at the yearly Rent of £ to the
 use

1803, at the least 500l. per annum, 3750l. Law Agent, for a ruinous Act of Parliament, 650l. Twelve years and an half year's rent, to June, 1806, better than 14,000l. Tipstaves to Michaelmas Term, 1806, full 5000l. Total loss or waste as above, 36,641l. Value of 800l. per annum overcharged in perpetual rent, at eighteen years purchase, 14,400l. Full amount, 51,041l. Let me now strike a balance of what should be deducted from the preceding charge if Inns-Quay ground had been built upon. The Tenant's fine on getting a perpetuity thereof, 1774l. 18s. 3d. His annual rent from Trinity Term, 1794, to Trinity Term, 1806, at 261l. 1s. 1d. per annum. Total, 3132l. 13s. Entire deduction, 4977l. 11s. 3d. Thus, we see more than 46,000l. diverted to useless or improper purposes. I have not inserted in the above statement the 5000l. bestowed to the defence of the country, still adhering to my original opinion, that such sum was nobly and most loyally expended.

The recorder of irremediable injury can only receive a counterpoise to his feelings, from an humble hope, that such recital may form an useful and saving precedent to the legal establishment for ever. As that enlightened body has been the guide and model for other societies, its correct interior reform may rouse a national spirit, and inflict an extensive Hibernian attainder upon the dæmon of jobbing.

use of C. D. a Member of this Society, for the Residue of the Term which the said A. B. has therein.

And the said Surrender is by the Bench here accepted.

And on the Day first above mentioned, the said D. comes and prays to be admitted,—and so on as above.

XLII. That a Copy of such Order, for Admittance, under the Seal of the Society, shall be delivered by the Treasurer to the Tenant, and the same shall be Evidence of his Right to the Place, or Thing, thereby alledged to be demised or granted.

XLIII. That the Rent received shall be paid at the Rate mentioned in the Order for Admittance, on such Days in the Year as the Bench shall appoint; or according to the Course of the Treasurer's Office. And if it shall not be so paid, or in 21 Days after Notice given by the Treasurer, or his Deputy, the Tenant shall from thenceforth be deemed to have forfeited,* relinquished and surrendered, to the use of

* Here was another variance from established Law. The usual distress could not satisfy, nor a statutable ejectment operate with sufficient haste. King's Inns rules supersede both, and give to the Treasurer the awful power of amoving by forfeiture and protecting by silence, as superior direction, personal friendship, or political interest would occasionally inspire.

of the Society, all the Residue of his Term and Interest in his Tenement; and the same shall be re-seized into the Hands of the Society. And any Person who shall enter into the same, or remain therein, without an Order of Admittance from the Society, shall be deemed a Trespasser.

XLIV. If there shall not be any Person then actually resident in the House, Chamber, or Office, or if there is, and such Person shall abscond to avoid being served with such Notice, affixing a Copy thereof on the outer Door, and in the chief Porter's Lodge, shall be, and be deemed, to be good Service.

XLV. That no Person whatever shall, not even a Member of this Society,* be suffered to occupy any, or any part of, any House, Chamber, or Office, without first obtaining an Order for his Admittance to the same. And if any Tenant shall permit any Person to occupy any part of his Tenement, without such Order, the same shall be a Forfeiture, Relinquishment and Surrender of all the Residue of his Term and Interest therein. And whoever shall so occupy the same, shall be a Trespasser, and the Tenement shall be re-seized into the Hands of the Society.

XLVI. That

* In 1666, a gentleman was ordered to quit a Chamber in the King's Inns, as he was not a Member of the Society; but it was never pretended that the residence of a legal man was improper. However, where chartered tyranny did not sanction insult or oppression, rules cautiously planned, and carefully concealed, would convey to posterity a semblance of professional assent.

XLVI. That the Benchers shall not be bound to admit a Surrenderee, though he should be a Member of the Society, if they think him an improper Person;* but in case of refusal, and if the Tenant insists upon it, the Society shall pay to him the Value of his remaining interest in the House, Chamber or Office, to be determined by three Persons; one to be chosen by the Benchers, one by the Tenant, and the third by the two so chosen; and upon receiving the same, the Tenant shall surrender his interest to the Society, and the same shall be deemed totally void and at an end.†

S f XLVII.

* The Reader sees that despotism is never forgot—that ceaseless pursuit nerves every order, and animates the change. Was the preceding practice borrowed from England, or any existing code? It seemed thus settled—to exclude men of honor and profound learning, whereby the new inhabitants would be a confederated group of crafty tyrants and obedient slaves.

† This termination of the building rules points out the propriety of stating what expence has hitherto attended the Public Buildings, the situation in which they stand, and such sum as may be necessary to complete the Hall with the Library, and also build a Chapel. Previous to Michaelmas Term, 1803, the sum of 18758l. 12s. 3½d. was expended on the Public Buildings, and an added estimate of 8690l. was given in, as requisite to complete the Hall. Thus, better than 27000l. have put the King's Inns into its present state.

I made close enquiry from intelligent persons, and pronounce, that about twelve thousand pounds will be sufficient to complete the Library part; even 5000l. would cover it, and rescue a fine building from being an immediate ruin, about 5000l. the central building; and what can alone give grace or dignity to the whole, about 3000l. for a Chapel. Thus, twenty thousand
pounds

XLVII. That the Benchers* in Council assembled, have Power to amove any Bencher from his Seat and Place therein, for just Cause.

And, that if any Bencher (the Lord Chancellor and Judges excepted) shall wilfully absent himself without Licence, from the Meetings and Councils of the Bench, for the space of two whole successive Terms; and that when the Number of Benchers shall be at any time less than 32, exclusive of the Lord Chancellor and the Judges, then the Residue of the Benchers in Council assembled, shall immediately proceed to elect, and shall elect one or such other Number as may be necessary, together with the Lord Chancellor and the Judges, to complete the Number of Benchers to 45, out of such Barristers of the said Society as shall have been at the time when such Vacancy happened, thirty-two full Terms, full and perfect Members of the said Society, and shall

pounds of the money due from Government will suffice to prevent preceding expenditure from being equally disgraceful to the legal Society and the national character.

* This formidable and oppressive power was embodied in the Charter, and became properly a part of its rules; it is here gravely introduced without any existing Royal grant, or concurrent Statute. The above observation equally applies to the entire system; however, the Charter furnished a mode of redress, whereas the existing code stands self-balanced, and would reduce the injured party to supply that defect by the immemorial privilege of an Irishman—*trial by battle*.

shall have duly and regularly conformed to the Rules and Orders* thereof, during the whole of said Time; but that the Number of Benchers shall never hereafter exceed 45.



TO THE
PRACTICERS

OF

IRISH LAW.

AS the immediate object of the preceding History was to direct your free conference and rational enquiry to King's Inns review and reform, I confine my present claim of attention to one proposal, which, methinks, will meet the immediate and unanimous support of the legal body. Whilst many corrupt

S f 2

or

* As Russell's letters exhibited my early and unaltered political creed, King's Inns extracts were not necessary to excite abhorrence of arbitrary discretion; even then I said, *ne Catoni quidem credendum*, absolute power should be trusted to no man, not even to *Marcus Portius Cato*, nor to *Charles James Fox*. These great and unrivalled characters have equally tasted of death, and obtained its passport to immortal fame. Entitled though they were to the confidence of contemporaries, that dangerous gift should be still withheld; yet the former from unbending integrity, and the latter from unbounded benevolence, were the most likely of all human beings to discharge with wisdom and public spirit the singular but improper trust.

or disgraceful novelties mark the revival of our Society, one dignified resemblance to English Inns of Court has been withheld—*no Chaplain or Preacher graces the King's Inns Roll.*

This delay may be attributed, during an early period, to the well-balanced strength of jobbing, and, for the last six years, to architectural expense. Children have swelled into manhood, and age been swept to the grave amid such official hopes. But it is time for morality to triumph, and our body, under an humane and honest King, to assume that appearance which it upheld in exceptionable reigns. The old dining Hall may form a temporary Chapel, and legal men commence the new year with suitable duty to God, the King, and the Country.

I am convinced that his Grace the Archbishop of Dublin will sanction this revived establishment with becoming pride, and even hope that the measure must meet the approbation and support of every wise or honest fellow-subject. Let me then rouse patriotism and professional pride by a sincere but unassuming suggestion. 400l. per annum will enable our Inn to resemble the English originals, and supply not only a Chaplain or Preacher, but also a second clergyman, under the name of a Reader. 220l. a year will answer for the former, 100l. yearly for the latter, and eighty pounds be sufficient to pay a clerk, with the other incidental expences. I am also informed that two hundred pounds would fit up the Hall for this important purpose, until a Chapel could

could be built on the plan, and at the expense herein before described.

The Chaplain, or Preacher, should have a set of Chambers whenever the projected square was completed, but no allowance for such under the present circumstances. Prayers may be given twice each Sunday, and once on every festival of the Church, to commence on the first Sunday in next Hilary Term, but in each succeeding year on the second Sunday in October, and to close on the last Sunday in July. The equity fittings of each Court would be generally included by such attendance, and the King's Inns Chapel convenience alike the profession and the inhabitants of this great and loyal Metropolis.

I do not press the subject by a more minute description, which defect, however, proceeds from a sincere respect for the Bench and the Archbishop of Dublin, who are called upon to exercise becoming piety and public spirit, by polishing the preceding outline into perfect form. This useful institution may rescue junior Members from the contagious vanity of free thinking. When aged Practicers, men alike eminent for worldly sense and human learning, would also appear deeply impressed with the sublime truths of Christianity; early habits must thus combine with improved genius to make ardent youth revere that tolerant spirit which the Protestant religion inspires, and is so faithfully upheld

upheld by the unadulterated maxims of English Law.

I can supply the preceding expense by immediate existing support. The return to Government in 1804, announces a surplus of income to expenditure of above 1000*l.* per annum, and I know of no channel for added expense, nor any corrupt innovation which should give rise to such. The preceding statement precludes all pretence for delay; I will, meantime, give perpetuity to the establishment by a collateral prop, yet justice shall not supersede jobbing, at the expence of humanity.

Let the present tipstaves be sacred, whilst their masters continue in office, and meet in that manner gradual abolition. An annual income of five hundred pounds will thus certainly fall in, and supply a proper permanent fund. The late Lords Avonmore and Kilwarden were so struck with such misapplication, as to pledge their honors in my presence to each other, that they would suppress this King's Inns mischief. What increase of pleasure would it administer, to find that the temporary abuse furnished an ample resource to our renovated religious establishment?

A claim to equal freedom has ever met firm foundation in my mind, from an anxious wish to imitate the manners of Englishmen. Their Inns of Court exhibit a mild and moderate termly tax to aid internal funds in sustaining clerical appointment.

Irishmen

Irishmen will not surely repine at a similar charge to uphold the character of their country, and the dignity of its legal establishment. Ten shillings annually were fixed by the Charter Rules upon Benchers, Barristers, Students, and Attornies; when tyranny stood repealed, the wholesome provision was neglected, and taxation confined to concealed purposes or prospective jobs.

The English plan merits revival, as it exists from time immemorial, and is neither insolent nor oppressive. Students on entry, Barristers on a call, and Attornies on admission, should be subject thereto. Collection from the preceding Members is perfectly easy; with equal justice holders of Chambers should pay a proper annual contribution, and be as in ancient times, extra parochial. The amount of this casual revenue would produce about 100l. and so far resemble tythes, as to rise and fall with the internal prosperity of the Society.

I am not fearful of forfeiting the friendship of brethren by the proposed assessment. This firmness and sincerity assimilates the Work more closely to the British Constitution, which unites regular and useful taxation with protected industry and personal freedom. The Chaplain, or Preacher, should be intitled to the above addition, for I would confine the Reader to a fixed salary, sufficient for a young clergyman, whom situation might animate under the eye of a most learned body to close professional pursuits

pursuits with an expanded view of general literature and science :

“ Such as on Usher’s learned mitre shone,
“ Or beam’d from Berkley’s philosophic throne.”

My further communications on King’s Inns matters shall be reserved for private or professional conference. Meantime, the whole compilation is submitted to your manly criticism. Where no allurement of interest or influence of Party originates a Work, the Author can mould his plan according to the suggestions of wisdom and public spirit. National honor forbids the uncontradicted currency of illegal comments or perverted history—for such I solicit neither protection nor excuse ; even imperfect arrangement and defective composition can only be balanced by legal correctness and an unerring general detail. It is my determination to assume real merit, by publicly retracting such mistakes as may necessarily occur in reviewing a period of nearly six centuries, and which was so deeply clouded with fiction, incivilisation, or party venom.

A voluntary and original engagement bound me to an observance of freedom, firmness, and truth. Similar qualities will, I trust, animate the profession, whereby this Work must be authenticated to other fellow-subjects by your silent approbation, or reprobated with proper professional abhorrence. I am
not

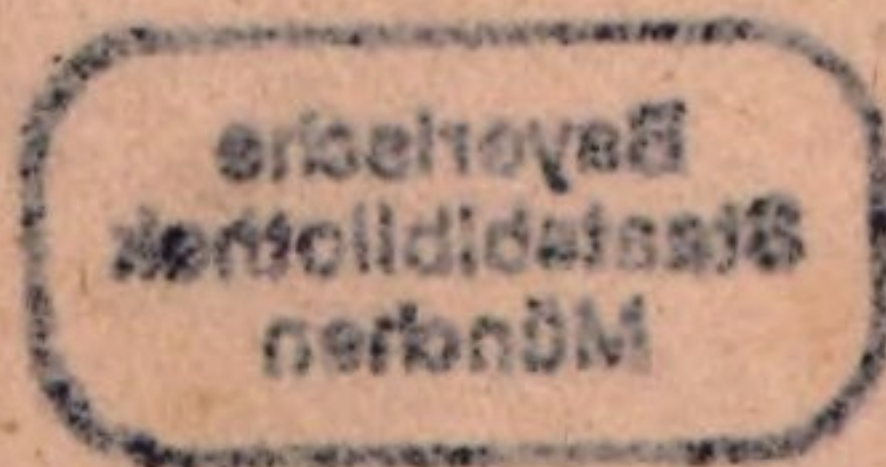
not conscious of overlooking any fact from accident, and certainly none from design.*

Matters are now knit in an issue, on which legal energy and judgment must form a final and conclusive verdict for the government and guidance of our Irish successors. In proportion as that awful trust is discharged with integrity by the acting parties, even so may heaven deal with them; as for myself, I shrink not from a similar appeal, and thus give a firm proof, that unceasing efforts have been exercised to complete the proposed task with freedom, firmness, and truth.

B. T. DUHIGG.

* I feel too much flattered by dignified Subscribers, to suspend such Publication, except from motives of indispensable necessity; but a correct and complete return could not be hitherto had from provincial towns, nor even from friends within the capital. Britons are also intitled to peculiar attention, as volunteers, who encouraged a Work which was not advertised in that island. It cannot be unpleasant to contemporaries and posterity to ascertain, by such list, what particular legal men countenanced those principles which the History inculcates. The reader may be therefore assured, that such Catalogue shall be published with all possible speed, and distributed gratis to the purchasers of this Work.

FINIS.



For ERRATA in Parts the First and Second, see Page 396.

ERRATA

In Part the Third, General Rules, &c.

Page 425, line 19—for *adnistraton*, read *administration*, and dele the last letter of that line.

Page 434, line 22—after *might*, insert *not*.

Page 436, line 6—for *disorders*, read *orders*.

Page 469, line 17—for *Ville*, read *Velle*.

Page 535, line 7—for *Successor*, read *Succeffors*.

Page 582, line 20—for *Varacity*, read *Veracity*.

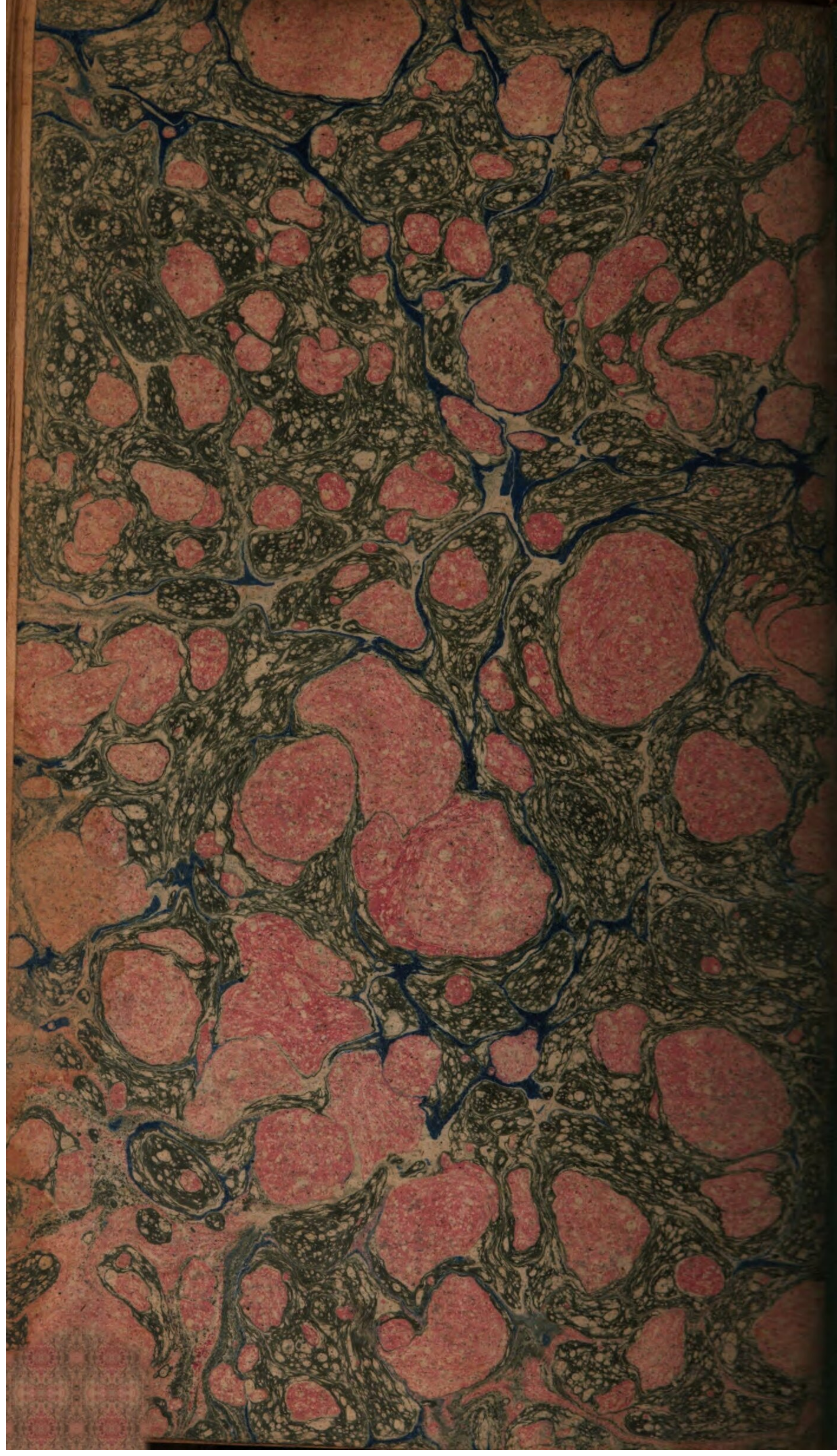
Same page, last line—for *færum*, read *fævum*.

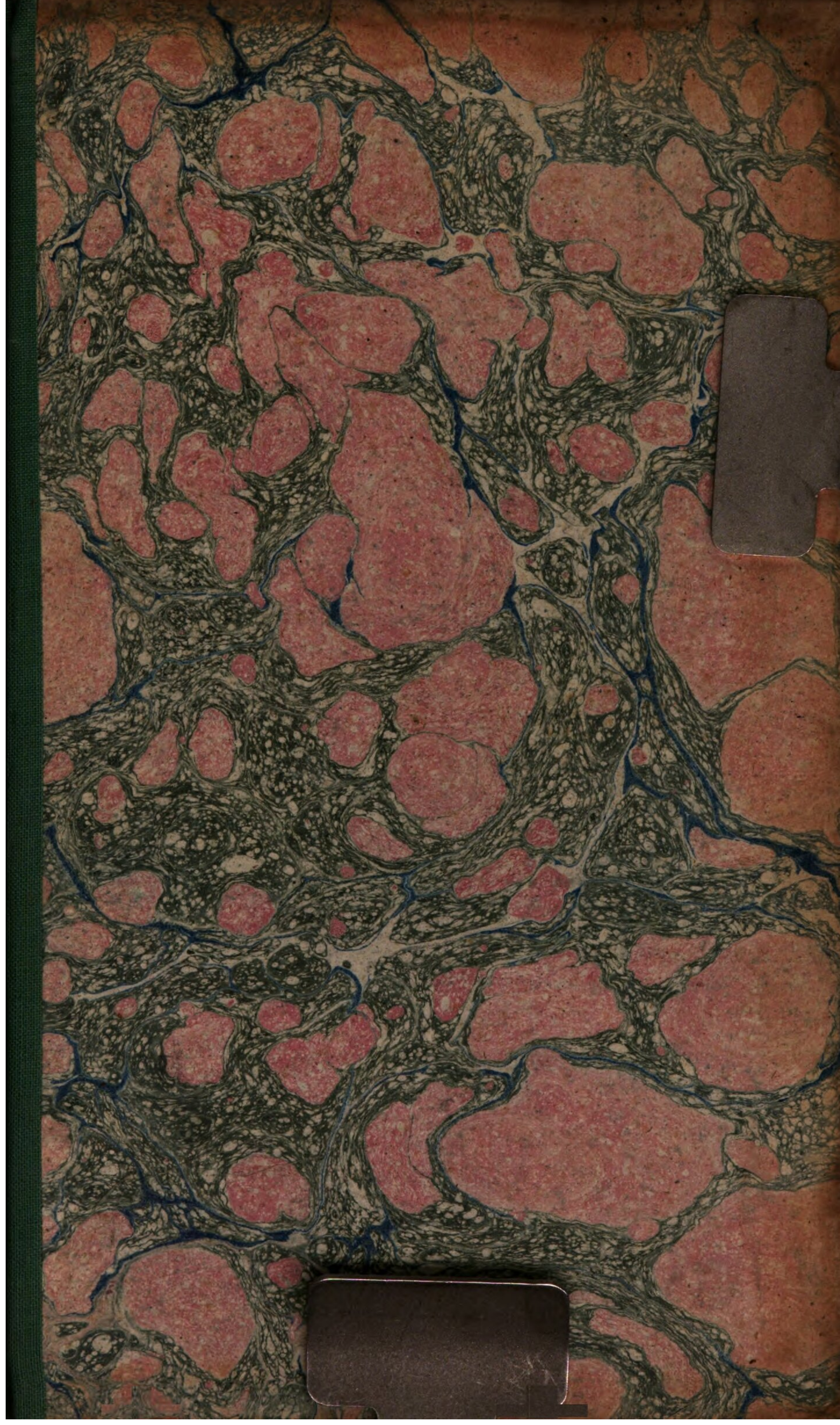
Page 586, line 14—for *Character*, read *Charter*.

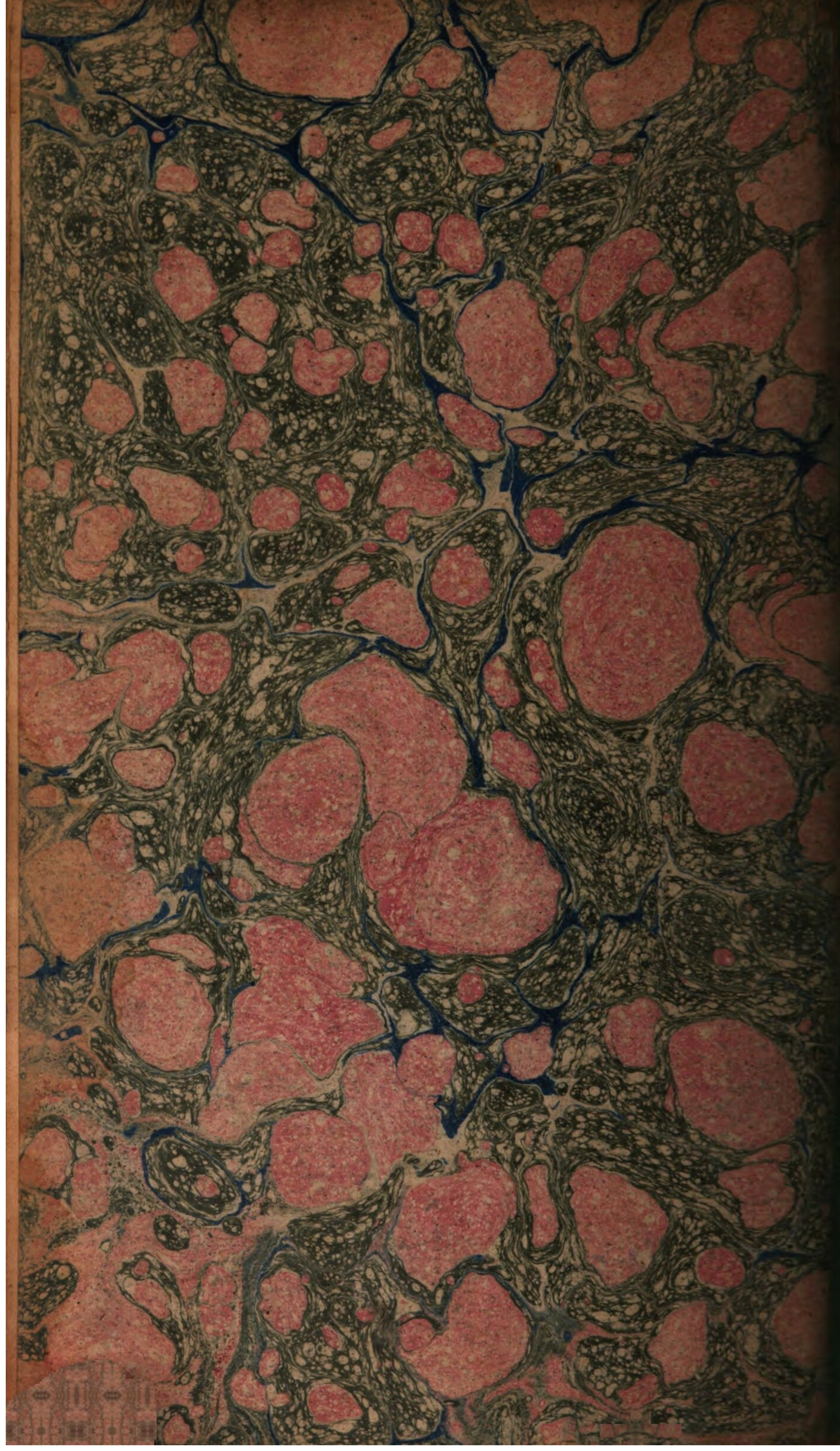
Page 587, line 21—*Memorialists*, as in the original, but should be the singular number. Thus, a faithful copy of some rules and orders enforces an apparent Erratum.

—*—
N. B. As Mr. DUNIGG means to devote such part of his life as can be spared from professional practice or official station, to legal study and publication, he is anxiously determined to complete King's Inns Remembrances, or an account of eminent legal men, from the earliest æra in Irish annals, and also an History of the late Union. Such fellow-subjects as conceive that an impartial effort to illustrate the ancient and modern management of Ireland merits encouragement or support, are respectfully solicited to supply such information or anecdote as may authenticate and improve these Works. The materials shall be properly acknowledged in each Publication, and the writer's name carefully concealed, if agreeable to his wishes.

[Faint handwritten notes, possibly "The Book of..."]







Duhigg, Bartholomew T.

History of the Kings Inns or an account of the legal body in Ireland from
its connexion with England ; In three parts

Dublin 1806

J.rel. 130

urn:nbn:de:bvb:12-bsb10563534-0